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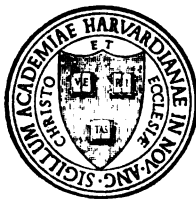
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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES V

THE FRENCH YELLOW BOOK

TRANSLATED AND PREPARED FOR PARLIAMENT BY
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MARCH, 1915

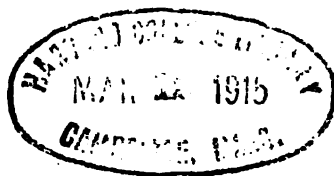
No. 88

American Association for International Conciliation

Substation 84 (407 West 117th Street)

New York City

1915



The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress or interruption of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects. A list of publications will be found on page 172.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such diversions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.

August 18, 1914.

No. 102. M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

St. Petersburg, July 30, 1914.

M. Sazonof, to whom I communicated your desire that every military measure that could offer Germany the pretext for general mobilisation should be avoided, answered that in the course of last night the General Staff had suspended all measures of military precaution so that there should be no misunderstanding. Yesterday the Chief of the Russian General Staff sent for the Military Attaché of the German Embassy and gave him his word of honour that the mobilisation ordered this morning was exclusively directed against Austria.

Nevertheless, in an interview which he had this afternoon with Count Pourtalès, M. Sazonof was forced to the conclusion that Germany does not wish to pronounce at Vienna the decisive word which would safeguard peace. The Emperor Nicholas has received the same impression from an exchange of telegrams which he has just had personally with the Emperor William.

Moreover, the Russian General Staff and Admiralty have received disquieting information concerning the preparations of the German army and navy.

In giving me this information M. Sazonof added that the Russian Government are continuing none the less their efforts towards conciliation. He repeated to me: "I shall continue to negotiate until the last moment."

PALÉOLOGUE.

No. 103. M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

St. Petersburg, July 30, 1914.

The German Ambassador came to-night and again urged on M. Sazonof, but in less categorical terms, that Russia should cease her military preparations, and affirmed that Austria would not infringe the territorial integrity of Servia:—

"It is not only the territorial integrity of Servia which we must safeguard," answered M. Sazonof, "but also her independence and her sovereignty. We cannot allow Servia to become a vassal of Austria."

M. Sazonof added: "The situation is too serious for me not to tell you all that is in my mind. By intervening at St. Petersburg while she refuses to intervene at Vienna, Germany is only seeking to gain time so as to allow Austria to crush the little Servian kingdom before Russia can come to its aid. But the Emperor Nicholas is so anxious to prevent war that I am going to make a new proposal to you in his name:

"If Austria, recognising that her dispute with Servia has assumed the character of a question of European interest, declares herself ready to eliminate from her ultimatum the clauses which are damaging to the sovereignty of Servia, Russia undertakes to stop all military preparations."

Count Pourtalès promised to support this proposal with his Government.

In the mind of M. Sazonof, the acceptance of this proposal by Austria would have, as a logical corollary, the opening of a discussion by the Powers in London.

The Russian Government again show by their attitude that they are neglecting nothing in order to stop the conflict.

PALÉOLOGUE.

No. 104. M. Dumaine, French Ambassador at Vienna, to M. René Viviani, Minister for Foreign Affairs.

Vienna, July 30, 1914.

In spite of the communication made yesterday by the Russian Ambassador to several of his colleagues, among them the German Ambassador, with reference to the partial mobilisation in his country, the Vienna press refrained from publishing the news. This enforced silence has just been explained at an interview of great importance between M. Schebeko and Count Berchtold, who examined at length the present formidable difficulties with equal readiness to apply to them mutually acceptable solutions.

M. Schebeko explained that the only object of the military preparations on the Russian side was to reply to those made by Austria, and to indicate the intention and the right of the Tsar to formulate his views on the settlement of the Servian question. The steps towards mobilisation taken in Galicia, answered Count Berchtold, have no aggressive intention and are only directed towards maintaining the situation as it stands. On both sides endeavours will be made to prevent these measures from being interpreted as signs of hostility.

With a view to settling the Austro-Servian dispute it was agreed that *pourparlers* should be resumed at St. Petersburg between M. Sazonof and Count Szápáry; they had only been interrupted owing to a misunderstanding, as Count Berchtold thought that the Russian Minister for Foreign Affairs claimed that the Austrian representative should be given powers which would allow him to modify the terms of the Austrian ultimatum. Count Szápáry will only be authorised to discuss what settlement would be compatible with the dignity and prestige for which both Empires had equal concern.

It would therefore for the moment be in this direct form, and only between the two most interested Powers, that the discussion which Sir Edward Grey proposed to entrust to the four Powers not directly interested would take place.

Sir M. de Bunsen, who was with me, at once declared to M. Schebeko that the Foreign Office would entirely approve of this new procedure. Repeating the statement he made at the Ballplatz, the Russian Ambassador stated that his Government would take a much broader view than was generally supposed of the demands of the Monarchy; M. Schebeko did everything to convince Count Berchtold of the sincerity of Russia's desire to arrive at an agreement which would be acceptable to the two Empires.

The interview was carried on in a friendly tone and gave reason for thinking that all chances of localising the dispute were not lost, when the news of the German mobilisation arrived at Vienna.

DUMAINE.

No. 105. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, July 30, 1914.

Herr von Jagow telephoned to me at 2 o'clock that the news of the German mobilisation which had spread an hour before was false, and asked me to inform you of this urgently; the Imperial Government is confiscating the extra editions of the papers which announced it. But neither this communication nor these steps diminish my apprehension with regard to the plans of Germany.

It seems certain that the Extraordinary Council held yesterday evening at Potsdam with the military authorities under the presidency of the Emperor decided on mobilisation, and this explains the preparation of the special edition of the *Lokal Anzeiger*, but that from various causes (the declaration of England that she reserved her entire liberty of action, the exchange of telegrams between the Tsar and William II.) the serious measures which had been decided upon were suspended.

One of the Ambassadors with whom I have very close relations saw Herr von Zimmermann at 2 o'clock. According to the Under-Secretary of State the military authorities are very anxious that mobilisation should be ordered, because every delay makes Germany lose some of her advantages. Nevertheless up to the present the haste of the General Staff, which sees war in mobilisation, had been successfully prevented. In any case mobilisation may be decided upon at any moment. I do not know who has issued in the *Lokal Anzeiger*, a paper which is usually semi-official, premature news calculated to cause excitement in France.

Further, I have the strongest reasons to believe that all the measures for mobilisation which can be taken before the publication of the general order of mobilisation have already been taken here, and that they are anxious here to make us publish our mobilisation first in order to attribute the responsibility to us.

JULES CAMBON.

No. 106. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paul Cambon, French Ambassador at London.

Paris, July 30, 1914.

Please inform Sir E. Grey of the following facts concerning French and German military preparations. England will see from this that if France is resolved, it is not she who is taking aggressive steps.

You will direct the attention of Sir E. Grey to the decision taken by the Council of Ministers this morning; although Germany has made her covering dispositions a few hundred metres from the frontier along the whole front from Luxemburg to the Vosges, and has transported her covering troops to their war positions, we have kept our troops ten kilometres from the frontier and forbidden them to approach nearer.

Our plan, conceived in the spirit of the offensive, provided, however, that the fighting positions of our covering troops should be as near to the frontier as possible. By leaving a strip of territory undefended against sudden aggression of the enemy, the Government of the Republic hopes to prove that France does not bear, any more than Russia, the responsibility for the attack.

In order to be convinced of this it is sufficient to compare the steps taken on the two sides of our frontier; in France, soldiers who were on

leave were not recalled until we were certain that Germany had done so five days before.

In Germany, not only have the garrison troops of Metz been pushed up to the frontier, but they have been reinforced by units transported by train from garrisons of the interior such as Treves or Cologne; nothing like this has been done in France.

The arming of positions on the frontier (clearing of trees, placing of armament, construction of batteries and protection of railway junctions) was begun in Germany on Saturday, the 25th; with us it is going to be begun, for France can no longer refrain from taking similar measures.

The railway stations were occupied by the military in Germany on Saturday, the 25th; in France on Tuesday, the 28th.

Finally, in Germany the reservists by tens of thousands have been recalled by individual summons, those living abroad (the classes of 1903 to 1911) have been recalled, the officers of reserve have been summoned; in the interior the roads are closed, motor-cars only circulate with permits. It is the last stage before mobilisation. None of these measures have been taken in France.

The German army has its outposts on our frontier; on two occasions yesterday German patrols penetrated our territory. The whole 16th army corps from Metz, reinforced by part of the 8th from Treves and Cologne, occupies the frontier from Metz to Luxemburg; the 15th army corps from Strassburg is massed on the frontier.

Under penalty of being shot, the inhabitants of the annexed parts of Alsace-Lorraine are forbidden to cross the frontier.

RENÉ VIVIANI.

No. 107. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, July 30, 1914.

The British Ambassador has not been informed of Germany's reply to Sir E. Grey's request. He told me that Berlin had consulted Vienna and was still waiting to hear from her ally.

My Russian colleague has just told me that Herr von Jagow (to whom Count Pourtales had communicated the conciliatory formula suggested by M. Sazonof for an Austro-Russian understanding) had just told him that he found this proposal unacceptable to Austria, thus showing the negative action of German diplomacy at Vienna.

JULES CAMBON.

No. 108. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, July 30, 1914.

Prince Lichnowsky has not brought any reply to the request addressed to him by Sir E. Grey yesterday to obtain from the German Government a formula for the intervention of the four Powers in the interest of peace. But my German colleague questioned the Secretary of State for Foreign Affairs about the military preparations of England.

Sir E. Grey replied that they were not of an offensive character, but that in the present state of affairs on the continent it was natural to take

some precautions; that in England, as in France, there was a desire to maintain peace, and that if in England, as in France, defensive measures were under consideration, it was not with the object of making any aggression.

The information which your Excellency has addressed to me on the subject of the military measures taken by Germany on the French frontier gave me the opportunity of remarking to Sir E. Grey that it is no longer a question of a conflict of influence between Russia and Austria-Hungary, but that there is a risk of an act of aggression which might provoke general war.

Sir E. Grey understood my feelings perfectly, and he thinks, as I do, that the moment has come to consider and discuss together every hypothesis.

PAUL CAMBON.

No. 109. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, July 30, 1914.

In the interview which I had to-day with the Secretary of State, I asked Herr von Jagow what reply he had made to Sir E. Grey, who had asked him to draw up himself the formula for the intervention of the disinterested Powers.

He answered that "to gain time," he had decided to act directly, and that he had asked Austria to tell him the ground on which conversations might be opened with her. This answer has the effect, under a pretext of proceeding more quickly, of eliminating England, France and Italy, and of entrusting to Herr von Tschirsky, whose Pan-German and Russophobe sentiments are well known, the duty of persuading Austria to adopt a conciliatory attitude.

Herr von Jagow then spoke to me of the Russian mobilisation on the Austrian frontier; he told me that this mobilisation compromised the success of all intervention with Austria, and that everything depended on it. He added that he feared that Austria would mobilise completely as a result of a partial Russian mobilisation, and this might cause as a counter-measure complete Russian mobilisation and consequently that of Germany.

I pointed out to the Secretary of State that he had himself told me that Germany would only consider herself obliged to mobilise if Russia mobilised on her German frontiers, and that this was not being done. He replied that this was true, but that the heads of the army were insisting on it, for every delay is a loss of strength for the German army, and "that the words of which I reminded him did not constitute a firm engagement on his part."

The impression which I received from this conversation is that the chances of peace have again decreased.

JULES CAMBON.

No. 110. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, July 31, 1914.

At the beginning of our conversation to-day Sir E. Grey told me that Prince Lichnowsky had asked him this morning if England would observe

neutrality in the conflict which is at hand. The Secretary of State for Foreign Affairs replied that, if the conflict became general, England would not be able to remain neutral, and especially that if France were involved England would be drawn in.

I then asked Sir E. Grey concerning the Cabinet Council which took place this morning. He replied that after having examined the situation, the Cabinet had thought that for the moment the British Government were unable to guarantee to us their intervention, that they intended to take steps to obtain from Germany and France an understanding to respect Belgian neutrality, but that before considering intervention it was necessary to wait for the situation to develop.

I asked Sir E. Grey if, before intervening, the British Government would await the invasion of French territory. I insisted on the fact that the measures already taken on our frontier by Germany showed an intention to attack in the near future, and that, if a renewal of the mistake of Europe in 1870 was to be avoided, England should consider at once the circumstances in which she would give France the help on which she relied.

Sir E. Grey replied that the opinion of the Cabinet had only been formed on the situation at the moment, that the situation might be modified, and that in that case a meeting of the Cabinet would be called together at once in order to consider it.

Sir A. Nicolson, whom I saw on leaving the room of the Secretary of State, told me that the Cabinet would meet again to-morrow, and confidentially gave me to understand that the Secretary of State for Foreign Affairs would be certain to renew the discussion.

According to your instructions, I have taken the necessary steps to secure that the autograph letter which the President of the Republic has addressed to His Majesty the King of England should be given to the King this evening. This step, which will certainly be communicated to the Prime Minister to-morrow morning, will, I am sure, be taken into serious consideration by the British Cabinet.

JULES CAMBON.

No. 111. M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Luxemburg, July 31, 1914.

The Minister of State has just left the Legation; he has just told me that the Germans have closed the bridges over the Moselle at Schengen and at Remich with vehicles and the bridge at Wormeldange with ropes. The bridges at Wasserbillig and at D'Echternach over the Sûre have not been closed, but the Germans no longer allow the export from Prussia of corn, cattle or motor cars.

M. Eyschen requested me—and this was the real object of his visit—to ask you for an official declaration to the effect that France will, in case of war, respect the neutrality of Luxemburg. When I asked him if he had received a similar declaration from the German Government, he told me that he was going to the German Minister to get the same declaration.

Postscript.—Up to the present no special measure has been taken by the Cabinet of Luxemburg. M. Eyschen has returned from the German Legation. He complained of the measures showing suspicion which were taken against a neutral neighbour. The Minister of State has asked the German Minister for an official declaration from his Government under-

taking to respect the neutrality. Herr Von Buch is stated to have replied, "That is a matter of course, but it would be necessary for the French Government to give the same undertaking."

MOLLARD.

No. 112. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, and Rome.

Paris, July 31, 1914.

The British Ambassador has handed me a note from his Government asking the French Government to support a proposal at St. Petersburg for the peaceful solution of the Austro-Servian conflict.

This note shows that the German Ambassador has informed Sir E. Grey of the intention of his Government to try to exercise influence on the Austro-Hungarian Government after the capture of Belgrade and the occupation of the districts bordering on the frontier, in order to obtain a promise not to advance further, while the Powers endeavoured to secure that Servia should give sufficient satisfaction to Austria; the occupied territory would be evacuated as soon as she had received satisfaction..

Sir E. Grey made this suggestion on the 29th July, and expressed the hope that military preparations would be suspended on all sides. Although the Russian Ambassador at London has informed the Secretary of State that he fears that the Russian condition (*if Austria, recognising that her conflict with Servia has assumed the character of a question of European interest, declares herself ready to eliminate from her ultimatum the points which endanger the principle of Servian sovereignty, Russia undertakes to stop all military preparations*) cannot be modified, Sir E. Grey thinks that, if Austria stops her advance after the occupation of Belgrade, the Russian Government could agree to change their formula in the following way:—

That the Powers would examine how Servia should give complete satisfaction to Austria without endangering the sovereignty or independence of the Kingdom. In case Austria, after occupying Belgrade and the neighbouring Servian territory, should declare herself ready, in the interests of Europe, to stop her advance and to discuss how an arrangement might be arrived at, Russia could also consent to the discussion and suspend her military preparations, provided that the other Powers acted in the same way.

In accordance with the request of Sir E. Grey, the French Government joined in the English suggestion, and in the following terms asked their Ambassador at St. Petersburg to try to obtain, without delay, the assent of the Russian Government:—

"Please inform M. Sazonof urgently that the suggestion of Sir E. Grey appears to me to furnish a useful basis for conversation between the Powers, who are equally desirous of working for an honourable arrangement of the Austro-Servian conflict, and of averting in this manner the dangers which threaten general peace.

"The plan proposed by the Secretary of State for Foreign Affairs, by stopping the advance of the Austrian army and by entrusting to the Powers the duty of examining how Servia could give full satisfaction to Austria without endangering the sovereign rights and the independence of the Kingdom, by thus affording Russia a means of suspending all military preparations, while the other Powers are to act in the same way, is calcu-

lated equally to give satisfaction to Russia and to Austria and to provide for Servia an acceptable means of issue from the present difficulty.

"I would ask you carefully to be guided by the foregoing considerations in earnestly pressing M. Sazonof to give his adherence without delay to the proposal of Sir E. Grey, of which he will have been himself informed."

RENÉ VIVIANI.

No. 113. M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

St. Petersburg, July 31, 1914.

The news of the bombardment of Belgrade during the night and morning of yesterday has provoked very deep feeling in Russia. One cannot understand the attitude of Austria, whose provocations since the beginning of the crisis have regularly followed Russia's attempts at conciliation and the satisfactory conversations exchanged between St. Petersburg and Vienna.

Nevertheless, desirous of leaving nothing undone in order to prove his sincere desire to safeguard peace, M. Sazonof informs me that he has modified his formula, as requested by the British Ambassador, in the following way:—

"If Austria consents to stay the march of her troops on Servian territory, and if, recognising that the Austro-Servian conflict has assumed the character of a question of European interest, she admits that the great Powers may examine the satisfaction which Servia can accord to the Austro-Hungarian Government, without injury to her sovereign rights as a State and to her independence, Russia undertakes to preserve her waiting attitude."

PALÉOLOGUE.

No. 114. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome, and Constantinople.

Paris, July 31, 1914.

The efforts made up till now concurrently by England and Russia with the earnest support of France (obtained in advance for every peaceful effort) with the object of a direct understanding between Vienna and St. Petersburg, or of the mediation of the four Powers in the most appropriate form, are being united to-day; Russia, giving a fresh proof of her desire for an understanding, has hastened to reply to the first appearance of an overture made by Germany since the beginning of the crisis (as to the conditions on which Russia would stop her military preparations) by indicating a formula, and then modifying it in accordance with the request of England; there ought to be hope, therefore, negotiations having also been begun again between the Russian and Austrian Ambassadors, that English mediation will complete at London that which is being attempted by direct negotiations at Vienna and St. Petersburg.

Nevertheless, the constant attitude of Germany who, since the beginning of the conflict, while ceaselessly protesting to each Power her peaceful intentions, has actually, by her dilatory or negative attitude, caused the failure of all attempts at agreement, and has not ceased to encourage

through her Ambassador the uncompromising attitude of Vienna; the German military preparations begun since the 25th July and subsequently continued without cessation; the immediate opposition of Germany to the Russian formula, declared at Berlin unacceptable for Austria before that Power had even been consulted; in conclusion, all the impressions derived from Berlin bring conviction that Germany has sought to humiliate Russia, to disintegrate the Triple Entente, and if these results could not be obtained, to make war.

RENÉ VIVIANI.

No. 115. M. Dumaine, French Ambassador at Vienna, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Vienna, July 31, 1914.

General mobilisation for all men from 19 to 42 years of age was declared by the Austro-Hungarian Government this morning at 1 o'clock.

My Russian colleague still thinks that this step is not entirely in contradiction to the declaration made yesterday by Count Berchtold.

DUMAINE.

No. 116. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, July 31, 1914.

Herr von Jagow sent for me and has just told me that he was very sorry to inform me that in face of the total mobilisation of the Russian army, Germany, in the interest of the security of the Empire, found herself obliged to take serious precautionary measures. What is called "Kriegsgefahrzustand" (the state of danger of war) has been declared, and this allows the authorities to proclaim, if they deem it expedient, a state of siege, to suspend some of the public services, and to close the frontier.

At the same time a demand is being made at St. Petersburg that they should demobilise, as well on the Austrian as on the German side, otherwise Germany would be obliged to mobilise on her side. Herr von Jagow told me that Herr von Schoen had been instructed to inform the French Government of the resolution of the Berlin Cabinet and to ask them what attitude they intended to adopt.

JULES CAMBON.

No. 117. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paléologue, French Ambassador at St. Petersburg.

Paris, July 31, 1914.

The German Government decided at mid-day to take all military measures implied by the state called "state of danger of war."

In communicating this decision to me at 7 o'clock this evening, Baron von Schoen added that the Government required at the same time that Russia should demobilise. If the Russian Government has not given a

satisfactory reply within twelve hours Germany will mobilise in her turn.

I replied to the German Ambassador that I had no information at all about an alleged total mobilisation of the Russian army and navy which the German Government invoked as the reason for the new military measures which they are taking to-day.

Baron von Schoen finally asked me, in the name of his Government, what the attitude of France would be in case of war between Germany and Russia. He told me that he would come for my reply to-morrow (Saturday) at 1 o'clock.

I have no intention of making any statement to him on this subject, and I shall confine myself to telling him that France will have regard to her interests. The Government of the Republic need not indeed give any account of her intentions except to her ally.

I ask you to inform M. Sazonof of this immediately. As I have already told you, I have no doubt that the Imperial Government, in the highest interests of peace, will do everything on their part to avoid anything that might render inevitable or precipitate the crisis.

RENÉ VIVIANI.

No. 118. M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

St. Petersburg, July 31, 1914.

As a result of the general mobilisation of Austria and of the measures for mobilisation taken secretly, but continuously, by Germany for the last six days, the order for the general mobilisation of the Russian army has been given, Russia not being able, without most serious danger, to allow herself to be further out-distanced; really she is only taking military measures corresponding to those taken by Germany.

For imperative reasons of strategy the Russian Government, knowing that Germany was arming, could no longer delay the conversion of her partial mobilisation into a general mobilisation.

PALÉOLOGUE.

No. 119. M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Brussels, July 31, 1914.

L'Agence Havas having announced that the state "of danger of war" had been declared in Germany, I told M. Davignon that I could assure him that the Government of the Republic would respect the neutrality of Belgium.

The Minister for Foreign Affairs replied that the Government of the King had always thought that this would be so, and thanked me. The Russian Minister and the British Minister, whom I saw subsequently, appeared much pleased that in the circumstances I gave this assurance, which further, as the English Minister told me, was in accordance with the declaration of Sir E. Grey.

KLOBUKOWSKI.

CHAPTER VI.

DECLARATION OF WAR BY GERMANY ON RUSSIA (SATURDAY, AUGUST 1, AT 7.10 P.M.); AND ON FRANCE (MONDAY, AUGUST 3, AT 6.45 P.M.).

No. 120. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome.

Paris, August 1, 1914.

Two *démarches* were made yesterday evening by the Austrian Ambassadors—the one at Paris, which was rather vague, the other at St. Petersburg, precise and conciliatory.

Count Scézszen came to explain to me that the Austro-Hungarian Government had officially informed Russia that it had no territorial ambition, and would not touch the sovereignty of Serbia; that it also repudiates any intention of occupying the Sandjak; but that these explanations of disinterestedness only retain their force if the war remains localised to Austria and Serbia, as a European war would open out eventualities which it was impossible to foresee. The Austrian Ambassador, in commenting on these explanations, gave me to understand that if his Government could not answer the questions of the Powers speaking in their own name, they would certainly answer Serbia, or any single Power asking for these conditions in the name of Serbia. He added that a step in this direction was perhaps still possible.

At St. Petersburg the Austrian Ambassador called on M. Sazonof and explained to him that his Government was willing to begin a discussion as to the basis of the ultimatum addressed to Serbia. The Russian Minister declared himself satisfied with this declaration, and proposed that the *pourparlers* should take place in London with the participation of the Powers. M. Sazonof will have requested the English Government to take the lead in the discussion; he pointed out that it would be very important that Austria should stop her operations in Serbia.

The deduction from these facts is that Austria would at last show herself ready to come to an agreement, just as the Russian Government is ready to enter into negotiations on the basis of the English proposal.

Unfortunately these arrangements which allowed one to hope for a peaceful solution appear, in fact, to have been rendered useless by the attitude of Germany. This Power has in fact presented an ultimatum giving the Russian Government twelve hours in which to agree to the demobilisation of their forces not only as against Germany, but also as against Austria; this time-limit expires at noon. The ultimatum is not justified, for Russia has accepted the English proposal which implies a cessation of military preparation by all the Powers.

The attitude of Germany proves that she wishes for war. And she wishes for it against France. Yesterday when Herr von Schoen came to the Quai d'Orsay to ask what attitude France proposed to take in case of

a Russo-German conflict, the German Ambassador, although there has been no direct dispute between France and Germany, and although from the beginning of the crisis we have used all our efforts for a peaceful solution and are still continuing to do so, added that he asked me to present his respects and thanks to the President of the Republic, and asked that we would be good enough to make arrangements as to him personally (*des dispositions pour sa propre personne*); we know also that he has already put the archives of the Embassy in safety. This attitude of breaking off diplomatic relations without any direct dispute, and although he has not received any definitely negative answer, is characteristic of the determination of Germany to make war against France. The want of sincerity in her peaceful protestations is shown by the rupture which she is forcing upon Europe at a time when Austria had at last agreed with Russia to begin negotiations.

RENÉ VIVIANI.

No. 121. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, August 1, 1914.

My Russian colleague received yesterday evening two telegrams from M. Sazonof advising him that the Austrian Ambassador at St. Petersburg had explained that his Government was ready to discuss the note to Serbia with the Russian Government even as to its basis; M. Sazonof answered that in his opinion these conversations should take place in London.

The ultimatum to Russia can only do away with the last chances of peace which these conversations still seemed to leave. The question may be asked whether in such circumstances the acceptance by Austria was serious, and had not the object of throwing the responsibility of the conflict on to Russia.

My British colleague during the night made a pressing appeal to Herr von Jagow's feelings of humanity. The latter answered that the matter had gone too far and that they must wait for the Russian answer to the German ultimatum. But he told Sir Edward Goschen that the ultimatum required that the Russians should countermand their mobilisation, not only as against Germany but also as against Austria; my British colleague was much astonished at this, and said that it did not seem possible for Russia to accept this last point.

Germany's ultimatum coming at the very moment when an agreement seemed about to be established between Vienna and St. Petersburg, is characteristic of her warlike policy.

In truth the conflict was between Russia and Austria only, and Germany could only intervene as an ally of Austria; in these circumstances, as the two Powers which were interested as principals were prepared for conversations, it is impossible to understand why Germany should send an ultimatum to Russia instead of continuing like all the other Powers to work for a peaceful solution, unless she desired war on her own account.

J. CAMBON.

No. 122. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, Berlin, and to the French Minister at Brussels.

Paris, August 1, 1914.

The British Ambassador, under the instructions of his Government, came to ask me what would be the attitude of the French Government as regards Belgium in case of conflict with Germany.

I stated that, in accordance with the assurance which we had repeatedly given the Belgian Government, we intended to respect their neutrality.

It would only be in the event of some other Power violating that neutrality that France might find herself brought to enter Belgian territory, with the object of fulfilling her obligations as a guaranteeing Power.

RENÉ VIVIANI.

No. 123. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, August 1, 1914.

The British Ambassador has been instructed by his Government to make to the German Government a communication identical with that which he made to you on the subject of the neutrality of Belgium.

Herr von Jagow answered that he would take the instructions of the Emperor and the Chancellor, but that he did not think an answer could be given, for Germany could not disclose her military plans in this way. The British Ambassador will see Herr von Jagow to-morrow afternoon.

J. CAMBON.

No. 124. M. Barrère, French Ambassador at Rome, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Rome, August 1, 1914.

I went to see the Marquis di San Giuliano this morning at half-past eight, in order to get precise information from him as to the attitude of Italy in view of the provocative acts of Germany and the results which they may have.

The Minister for Foreign Affairs answered that he had seen the German Ambassador yesterday evening. Herr von Flotow had said to him that Germany had requested the Russian Government to suspend mobilisation, and the French Government to inform them as to their intentions; Germany had given France a time limit of eighteen hours and Russia a time limit of twelve hours.

Herr von Flotow, as a result of this communication, asked what were the intentions of the Italian Government.

The Marquis di San Giuliano answered that as the war undertaken by Austria was aggressive and did not fall within the purely defensive character of the Triple Alliance, particularly in view of the consequences which might result from it according to the declaration of the German Ambassador, Italy would not be able to take part in the war.

BARRÈRE.

No. 125. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome, Madrid, Constantinople.

Paris, August 1, 1914.

The German Ambassador came to see me again at 11 o'clock this morning. After having recalled to his memory all the efforts made by France towards an honourable settlement of the Austro-Servian conflict and the difficulty between Austria and Russia which has resulted from it, I put him in possession of the facts as to the *pourparlers* which have been carried on since yesterday:—

(1) An English compromise, proposing, besides other suggestions, suspension of military preparations on the part of Russia, on condition that the other Powers should act in the same way; adherence of Russia to this proposal.

(2) Communications from the Austrian Government declaring that they did not desire any aggrandisement in Servia, nor even to advance into the Sandjak, and stating that they were ready to discuss *even the basis* of the Austro-Servian question at London with the other Powers.

I drew attention to the attitude of Germany who, abandoning all *pourparlers*, presented an ultimatum to Russia at the very moment when this Power had just accepted the English formula (which implies the cessation of military preparations by all the countries which have mobilised) and regarded as imminent a diplomatic rupture with France.

Baron von Schoen answered that he did not know the developments which had taken place in this matter for the last twenty-four hours, that there was perhaps in them a "glimmer of hope" for some arrangement, that he had not received any fresh communication from his Government, and that he was going to get information. He gave renewed protestations of his sincere desire to unite his efforts to those of France for arriving at a solution of the conflict. I laid stress on the serious responsibility which the Imperial Government would assume if, in circumstances such as these, they took an initiative which was not justified and of a kind which would irremediably compromise peace.

Baron von Schoen did not allude to his immediate departure and did not make any fresh request for an answer to his question concerning the attitude of France in case of an Austro-Russian conflict. He confined himself to saying of his own accord that the attitude of France was not doubtful.

It would not do to exaggerate the possibilities which may result from my conversation with the German Ambassador for, on their side, the Imperial Government continue the most dangerous preparations on our frontier. However, we must not neglect the possibilities, and we should not cease to work towards an agreement. On her side France is taking all military measures required for protection against too great an advance in German military preparations. She considers that her attempts at solution will only have a chance of success so far as it is felt that she will be ready and resolute if the conflict is forced on her.

RENÉ VIVIANI.

No. 126. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Paris, August 1, 1914.

Sir Edward Grey said to me that, at a meeting this morning, the cabinet had again considered the situation. As Germany had asked England to give a declaration of neutrality and had not obtained it, the British Government remained masters of their action; this could shape itself in accordance with different hypotheses.

In the first place, Belgian neutrality is of great importance to England. France has immediately renewed her engagement to respect it. Germany has explained "that she was not in a position to reply." Sir Edward Grey will put the Cabinet in possession of this answer and will ask to be authorised to state on Monday in the House of Commons, that the British Government will not permit a violation of Belgian neutrality.

In the second place, the English fleet is mobilised, and Sir Edward Grey will propose to his colleagues that he should state that it will oppose the passage of the Straits of Dover by the German fleet, or, if the German fleet should pass through (*venaient à le passer*), will oppose any demonstration on the French coasts. These two questions will be dealt with at the meeting on Monday. I drew the attention of the Secretary of State to the points that, if during this intervening period any incident took place, it was necessary not to allow a surprise, and that it would be desirable to think of intervening in time.

PAUL CAMBON.

No. 127. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paul Cambon, French Ambassador at London.

Paris, August 1, 1914.

We are warned through several channels that the German and the Austrian Governments are trying at this moment to influence England by making her believe that the responsibility for war, if it breaks out, will fall on Russia. Efforts are being made to obtain the neutrality of England by disguising the truth.

France has not ceased in co-operation with England to advise moderation at St. Petersburg; this advice has been listened to.

From the beginning M. Sazonof has exercised pressure on Serbia to make her accept all those clauses of the ultimatum which were not incompatible with her sovereignty.

He then engaged in a direct conversation with Austria; this was fresh evidence of his conciliatory spirit. Finally he has agreed to allow those Powers which are less interested to seek for means of composing the dispute.

In accordance with the wish expressed to him by Sir George Buchanan, M. Sazonof consented to modify the first formula which he had put forward, and he has drawn up a second which is shown not to differ materially from the declaration which Count Scézen made yesterday to M. de Margerie. Count Scézen affirms that Austria has no intention of seeking territorial aggrandisement and does not wish to touch the sovereignty of Serbia. He expressly adds that Austria has no designs on the Sandjak of Novi-Bazar.

It would then seem that an agreement between Sir Edward Grey's sug-

gestion, M. Sazonof's formula and the Austrian declarations could easily be reconciled.

France is determined, in co-operation with England, to work to the very end for the realisation of this.

But while these negotiations were going on, and while Russia in the negotiations showed a goodwill which cannot be disputed, Austria was the first to proceed to a general mobilisation.

Russia has found herself obliged to imitate Austria, so as not to be left in an unfavourable position, but all the time she has continued ready to negotiate.

It is not necessary for me to repeat that, so far as we are concerned, we will, in co-operation with England, continue to work for the success of these *pourparlers*.

But the attitude of Germany has made it absolutely compulsory for us to make out the order for mobilisation to-day.

Last Wednesday, well in advance of Russian mobilisation, as I have already telegraphed to you, Herr von Schoen announced to me the impending publication of *Kriegsgefahrzustand*. This measure has been taken by Germany, and under the protection of this screen, she immediately began a mobilisation in the proper sense of the word.

To-day M. Paléologue telegraphed that Count Pourtales had notified the Russian Government of German mobilisation.

Information which has been received by the Ministry of War confirms the fact that this mobilisation is really in full execution.

Our decree of mobilisation is then an *essential measure* of protection. The Government have accompanied it by a proclamation signed by the President of the Republic and by all the Ministers, in which they explain that mobilisation is not war, and that in the present state of affairs it is the best means for France of safeguarding peace, and that the Government of the Republic will redouble their efforts to bring the negotiations to a conclusion.

Will you be good enough to bring all these points urgently to the notice of Sir Edward Grey, and to point out to him that we have throughout been governed by the determination not to commit any act of provocation.

I am persuaded that in case war were to break out, English opinion would see clearly from which side aggression comes, and that it would realise the strong reasons which we have given to Sir Edward Grey for asking for armed intervention on the part of England in the interest of the future of the European balance of power.

RENÉ VIVIANI.

No. 128. M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Luxemburg, August 1, 1914.

The Minister of State instructs me to ask from the French Government an assurance of neutrality similar to that which has been given to Belgium. M. Eyschen has stated that at present, as the declaration in question was made to the President of the Council of the Belgian Government by the French Minister at Brussels, he thought that the same procedure would be most suitable with regard to the Grand Duchy.

This is the reason why he has abstained from making a request direct to

the Government of the Republic. As the Chamber of Deputies meets on Monday, M. Eyschen wishes to have the answer by that date; a similar *démarche* is being made at the same time with the German Minister at Luxemburg.

MOLLARD.

No. 129. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Mollard, French Minister at Luxemburg.

Paris, August 1, 1914.

Be good enough to state to the President of the Council that in conformity with the Treaty of London, 1867, the Government of the Republic intends to respect the neutrality of the Grand Duchy of Luxemburg, as they have shown by their attitude.

The violation of this neutrality by Germany would, however, be an act of a kind which would compel France from that time to be guided in this matter by care for her defence and her interests.

RENÉ VIVIANI.

No. 130. M. Jules Cambon, French Ambassador at Berlin, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Berlin, August 1, 1914.

Special editions of newspapers are being distributed in the streets of Berlin announcing that the general mobilisation of the army and the navy has been decreed and that the first day of the mobilisation is Sunday, 2nd August.

JULES CAMBON.

No. 131. M. Eyschen, Minister of State for Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Luxemburg, August 2, 1914.

I have the honour to bring to your Excellency's notice the following facts:—

On Sunday, the 2nd August, very early, German troops, according to the information which has up to now reached the Grand Ducal Government, penetrated into Luxemburg territory by the bridges of Wasserbillig and Remich, and proceeded especially towards the south and in the direction of Luxemburg, the capital of the Grand Duchy. A certain number of armoured trains with troops and ammunition have been sent along the railway line from Wasserbillig to Luxemburg, where their arrival is immediately expected. These occurrences constitute acts which are manifestly contrary to the neutrality of the Grand Duchy as guaranteed by the Treaty of London of 1867. The Luxemburg Government have not failed to address an energetic protest against this aggression to the representatives of His Majesty the German Emperor at Luxemburg. An identical protest will be sent by telegraph to the Secretary of State for Foreign Affairs at Berlin.

*The Minister of State,
President of the Government.*
EYSCHEN.

No. 132. M. Mollard, French Minister at Luxemburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Luxemburg, August 2, 1914.

The Minister of State of Luxemburg, M. Eyschen, has just received, through Herr von Buch, German Minister at Luxemburg, a telegram from Bethmann-Hollweg, Chancellor of the German Empire, saying that the military measures taken by Germany in Luxemburg do not constitute a hostile act against this country, but are solely measures tended to assure the use of the railways which have been leased to the Empire against the eventual attack of a French army. Luxemburg will receive a complete indemnity for any damage.

MOLLARD.

No. 133. Note handed in by the German Ambassador.

Paris, August 2, 1914.

The German Ambassador has just been instructed, and hastens to inform the Minister for Foreign Affairs, that the military measures taken by Germany in the Grand Duchy of Luxemburg do not constitute an act of hostility. They must be considered as purely preventive measures taken for the protection of the railways, which, under the treaties between Germany and the Grand Duchy of Luxemburg, are under German administration.

VON SCHOEN.

No. 134. M. Paléologue, French Ambassador at St. Petersburg, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

St. Petersburg, August 2, 1914.

Yesterday at ten minutes past seven in the evening the German Ambassador handed to M. Zaronof a declaration of war by his Government; he will leave St. Petersburg to-day.

The Austro-Hungarian Ambassador has not received any instructions from his Government as to the declaration of war.

PALÉOLOGUE.

No. 135. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the Representatives of France abroad.

Paris, August 2, 1914.

The Russian Ambassador informs me that Germany has just declared war on Russia, notwithstanding the negotiations which are proceeding, and at a moment when Austria-Hungary was agreeing to discuss with the Powers even the basis of her conflict with Servia.

RENÉ VIVIANI.

No. 136. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Ambassadors at London, St. Petersburg, Berlin, Vienna, Rome, Madrid, Constantinople.

Paris, August 2, 1914.

This morning, French territory was violated by German troops at Ciry and near Longwy. They are marching on the fort which bears the latter

name. Elsewhere the Custom House at Delle has twice been fired upon. Finally, German troops have also violated this morning the neutral territory of Luxemburg.

You will at once use this information to lay stress on the fact that the German Government is committing itself to acts of war against France without provocation on our part, or any previous declaration of war, whilst we have scrupulously respected the zone of ten kilometres which we have maintained, even since the mobilisation, between our troops and the frontier.

RENÉ VIVIANI.

No. 137. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, August 2, 1914.

After the meeting of the Cabinet held this morning, Sir Edward Grey made the following declaration to me:—

"I am authorised to give an assurance that, if the German fleet comes into the Channel or through the North Sea to undertake hostile operations against French coasts or shipping, the British fleet will give all the protection in its power.

"This assurance is of course subject to the policy of His Majesty's Government receiving the support of Parliament, and must not be taken as binding His Majesty's Government to take any action until the above contingency of action by the German fleet takes place."

Afterwards in speaking to me of the neutrality of Belgium and that of Luxemburg, the Secretary of State reminded me that the Convention of 1867, referring to the Grand Duchy, differed from the Treaty referring to Belgium, in that England was bound to require the observance of this latter Convention without the assistance of the other guaranteeing Powers, while with regard to Luxemburg all the guaranteeing Powers were to act in concert.

The protection of Belgian neutrality is here considered so important that England will regard its violation by Germany as a *casus belli*. It is a specially English interest and there is no doubt that the British Government, faithful to the traditions of their policy, will insist upon it, even if the business world in which German influence is making tenacious efforts, exercise pressure to prevent the Government committing itself against Germany.

PAUL CAMBON.

No. 138. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paul Cambon, French Ambassador at London.

Paris, August 2, 1914.

I note the points contained in your telegrams of the 27th, 30th, 31st July and the 1st August, and in that which you have sent to me to-day.

In communicating to the Chambers the declaration which Sir Edward Grey has made to you, the text of which is contained in your last telegram,

I will add that in it we have obtained from Great Britain a first assistance which is most valuable to us.

In addition, I propose to indicate that the help which Great Britain intends to give to France for the protection of the French coasts or the French merchant marine, will be used in such a way that our navy will also, in case of a Franco-German conflict, be supported by the English fleet in the Atlantic as well as in the North Sea and Channel. In addition I would note that English ports could not serve as places for revictualling for the German fleet.

RENÉ VIVIANI.

No. 139. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Jules Cambon, French Ambassador at Berlin.

Paris, August 2, 1914.

German troops having to-day violated the eastern frontier at several points I request you immediately to protest in writing to the German Government. You will be good enough to take as your text the following note which, in the uncertainty of communications between Paris and Berlin, I have addressed directly to the German Ambassador:—

"The French administrative and military authorities in the eastern district have just reported several acts which I have instructed the Ambassador of the Republic at Berlin to bring to the knowledge of the Imperial Government.

"The first has taken place at Delle in the district of Belfort; on two occasions the French Customs station in this locality has been fired upon by a detachment of German soldiers. North of Delle two German patrols of the 5th mounted Jaegers crossed the frontier this morning and advanced to the villages of Joncherey and Baron, more than ten kilometres from the frontier. The officer who commanded the first has blown out the brains of a French soldier. The German cavalry carried off some horses which the French mayor of Suarce was collecting and forced the inhabitants of the commune to lead the said horses.

"The Ambassador of the Republic at Berlin has been instructed to make a formal protest to the Imperial Government against acts which form a flagrant violation of the frontier by German troops in arms, and which are not justified by anything in the present situation. The Government of the Republic can only leave to the Imperial Government the entire responsibility for these acts."

RENÉ VIVIANI.

No. 140. M. Marcelin Pellet, French Minister at the Hague, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

The Hague, August 3, 1914.

The German Minister called yesterday on the Minister for Foreign Affairs to explain the necessity under which, as he said, Germany was placed of violating the neutral territory of Luxemburg, adding that he would have a fresh communication to make to him to-day. He has now

this morning announced the entry of German troops into Belgium in order, as he has explained, to prevent an occupation of that country by France.
PELLET.

No. 141. M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Brussels, August 3, 1914.

Yesterday evening the German Minister handed to the Belgian Government an ultimatum stating that his Government, having learnt that the French were preparing for operations in the districts of Givet and of Namur, were compelled to take steps, the first of which was to invite the Belgian Government to inform them, within seven hours, if they were disposed to facilitate military operations in Belgium against France. In case of refusal the fortune of war would decide.

The Government of the King answered that the information as to the French movements appeared to them to be inaccurate in view of the formal assurances which had been given by France, and were still quite recent; that Belgium, which since the establishment of her Kingdom, has taken every care to assure the protection of her dignity and of her interests, and has devoted all her efforts to peaceful development of progress, strongly protests against any violation of her territory from whatever quarter it may come: and that, supposing the violation takes place, she will know how to defend with energy her neutrality, which has been guaranteed by the Powers, and notably by the King of Prussia.

KLOBUKOWSKI.

No. 142. M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Brussels, August 3, 1914.

To the assurance which I gave him that if Belgium appealed to the guarantee of the Powers against the violation of her neutrality by Germany, France would at once respond to her appeal, the Minister for Foreign Affairs answered:

"It is with great sincerity that we thank the Government of the Republic for the support which it would eventually be able to offer us, but under present conditions we do not appeal to the guarantee of the Powers. At a later date the Government of the King will weigh the measures which it may be necessary to take."

No. 143. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, August 3, 1914.

Sir Edward Grey has authorised me to inform you that you could state to Parliament that he was making explanations to the Commons as to the present attitude of the British Government, and that the chief of these declarations would be as follows:—

"In case the German fleet came into the Channel or entered the North Sea in order to go round the British Isles with the

object of attacking the French coasts or the French navy and of harassing French merchant shipping, the English fleet would intervene in order to give to French shipping its complete protection, in such a way that from that moment England and Germany would be in a state of war."

Sir Edward Grey explained to me that the mention of an operation by way of the North Sea implied protection against a demonstration in the Atlantic Ocean.

The declaration concerning the intervention of the English fleet must be considered as binding the British Government. Sir Edward Grey has assured me of this and has added that the French Government were thereby authorised to inform the Chambers of this.

On my return to the Embassy I received your telephonic communication relating to the German ultimatum addressed to Belgium. I immediately communicated it to Sir Edward Grey.

PAUL CAMBON.

No. 144. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, August 3, 1914.

Just as Sir Edward Grey was starting this morning for the meeting of the Cabinet, my German colleague, who had already seen him yesterday, came to press him to say that the neutrality of England did not depend upon respecting Belgian neutrality. Sir Edward Grey refused all conversation on this matter.

The German Ambassador has sent to the press a *communiqué* saying that if England remained neutral Germany would give up all naval operations and would not make use of the Belgian coast as a *point d'appui*. My answer is that respecting the coast is not respecting the neutrality of the territory, and that the German ultimatum is already a violation of this neutrality.

PAUL CAMBON.

No. 145. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, August 3, 1914.

Sir Edward Grey has made the statement regarding the intervention of the English fleet. He has explained, in considering the situation, what he proposed to do with regard to Belgian neutrality; and the reading of a letter from King Albert asking for the support of England has deeply stirred the House.

The House will this evening vote the credit which is asked for; from this moment its support is secured to the policy of the Government, and it follows public opinion which is declaring itself more and more in our favour.

PAUL CAMBON.

No. 146. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Paul Cambon, French Ambassador at London.

Paris, August 3, 1914.

I am told that the German Ambassador is said to have stated to the Foreign Office that yesterday morning eighty French officers in Prussian uniform had attempted to cross the German frontier in twelve motor cars at Walbeck, to the west of Geldern, and that this formed a very serious violation of neutrality on the part of France.

Be good enough urgently to contradict this news which is pure invention, and to draw the attention of the Foreign Office to the German campaign of false news which is beginning.

RENÉ VIVIANI.

No. 147. Letter handed by the German Ambassador to M. René Viviani, President of the Council, Minister for Foreign Affairs, during his farewell audience, August 3, 1914, at 6.45 p.m.

M. le Président,

The German administrative and military authorities have established a certain number of flagrantly hostile acts committed on German territory by French military aviators. Several of these have openly violated the neutrality of Belgium by flying over the territory of that country; one has attempted to destroy buildings near Wesel; others have been seen in the district of the Eifel, one has thrown bombs on the railway near Carlsruhe and Nuremberg.

I am instructed, and I have the honour to inform your Excellency, that in the presence of these acts of aggression the German Empire considers itself in a state of war with France in consequence of the acts of this latter Power.

At the same time I have the honour to bring to the knowledge of your Excellency that the German authorities will detain French mercantile vessels in German ports, but they will release them if, within forty-eight hours, they are assured of complete reciprocity.

My diplomatic mission having thus come to an end it only remains for me to request your Excellency to be good enough to furnish me with my passports, and to take the steps you consider suitable to assure my return to Germany, with the staff of the Embassy, as well as with the staff of the Bavarian Legation and of the German Consulate General in Paris.

Be good enough, M. le Président, to receive the assurances of my deepest respect.

(Signed) SCHOEN.

No. 148. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Representatives abroad.

Paris, August 3, 1914.

The German Ambassador has asked for his passports and is leaving this evening with the staffs of the Embassy, the German Consulate General and the Bavarian Legation. Baron von Schoen has given as his reason the establishments by the German administrative and military authorities

of acts of hostility which are said to have been committed by French military aviators accused of having flown over territory of the Empire and thrown bombs. The Ambassador adds that the aviators are said to have also violated the neutrality of Belgium by flying over Belgian territory. "In the presence of these acts of aggression," says the letter of Baron von Schoen, "the German Empire considers itself in a state of war with France "in consequence of the acts of this latter Power."

I formally challenged the inaccurate allegations of the Ambassador, and for my part I reminded him that I had yesterday addressed to him a note protesting against the flagrant violations of the French frontier committed two days ago by detachments of German troops.

RENÉ VIVIANI.

No. 149. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Jules Cambon, French Ambassador at Berlin.
(Telegram communicated to French Representatives abroad.)

Paris, August 3, 1914.

I request you to ask for your passports and to leave Berlin at once with the staff of the Embassy, leaving the charge of French interests and the care of the archives to the Spanish Ambassador. I request you at the same time to protest in writing against the violation of the neutrality of Luxemburg by German troops, of which notice has been given by the Prime Minister of Luxemburg; against the ultimatum addressed to the Belgian Government by the German Minister at Brussels to force upon them the violation of Belgian neutrality and to require of that country that she should facilitate military operations against France on Belgian territory; finally against the false allegation of an alleged projected invasion of these two countries by French armies, by which he has attempted to justify the state of war which he declares henceforth exists between Germany and France.

RENÉ VIVIANI.

No. 150. M. René Viviani, President of the Council, Minister for Foreign Affairs, to M. Allixé, French Minister at Munich.

Paris, August 3, 1914.

Be good enough to inform the Royal Bavarian Government that you have received instructions to adapt your attitude to that of our Ambassador at Berlin and to leave Munich.

RENÉ VIVIANI.

No. 151. M. René Viviani, President of the Council, Minister for Foreign Affairs, to the French Representatives at London, St. Petersburg, Vienna, Rome, Madrid, Berne, Constantinople, The Hague, Copenhagen, Christiania, Stockholm, Bucharest, Athens, Belgrade.

Paris, August 3, 1914.

I learn from an official Belgian source that German troops have violated Belgian territory at Gemmenich in the district of Verviers.

RENÉ VIVIANI.

No. 152. M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Brussels, August 4, 1914.

The Chief of the Cabinet of the Ministry of Foreign Affairs sends me a letter by which "the Government of the King declare that they are firmly decided to resist the aggression of Germany by all means in their power. Belgium appeals to England, France and Russia to co-operate as guarantors in the defence of her territory.

"There would be a concerted and common action having as its object the resistance of forcible measures employed by Germany against Belgium, and at the same time to guarantee the maintenance of the independence and integrity of Belgium in the future."

"Belgium is glad to be able to declare that she will ensure the defence of her fortified places."

KLOBUKOWSKI.

No. 153. M. Paul Cambon, French Ambassador at London, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

London, August 4, 1914.

Sir Edward Grey has asked me to come and see him immediately in order to tell me that the Prime Minister would to-day make a statement in the House of Commons that Germany had been invited to withdraw her ultimatum to Belgium and to give her answer to England before 12 o'clock to-night.

PAUL CAMBON.

No. 154. M. Klobukowski, French Minister at Brussels, to M. René Viviani, President of the Council, Minister for Foreign Affairs.

Brussels, August 4, 1914.

This morning the German Minister informs the Belgian Ministry for Foreign Affairs, that in consequence of the refusal of the Belgian Government the Imperial Government find themselves compelled to carry out by force of arms those measures of protection which are rendered indispensable by the French threats.

KLOBUKOWSKI.

No. 155. M. Bapst, French Minister at Copenhagen, to M. Doumergue, Minister for Foreign Affairs.

Copenhagen, August 6, 1914.

The French Ambassador at Berlin asks me to communicate to your Excellency the following telegram:—

"I have been sent to Denmark by the German Government. I have just arrived at Copenhagen. I am accompanied by all the staff of the Embassy and the Russian Chargé d'Affaires at Darmstadt with his family. The treatment which we have received is of such a nature that I have thought it desirable to make a complete report on it to your Excellency by telegram.

"On the morning of Monday, the 3rd August, after I had, in accordance

with your instructions, addressed to Herr von Jagow a protest against the acts of aggression committed on French territory by German troops, the Secretary of State came to see me. Herr von Jagow came to complain of acts of aggression which he alleged had been committed in Germany, especially at Nuremberg and Coblenz by French aviators, who according to his statement 'had come from Belgium.' I answered that I had not the slightest information as to the facts to which he attached so much importance and the improbability of which seemed to me obvious; on my part I asked him if he had read the note which I had addressed to him with regard to the invasion of our territory by detachments of the German army. As the Secretary of State said that he had not yet read this note I explained its contents to him. I called his attention to the act committed by the officer commanding one of the detachments who had advanced to the French village of Joncherey, ten kilometres within our frontier, and had blown out the brains of a French soldier whom he had met there. After having given my opinion of this act I added: 'You will admit that under no circumstances could there be any comparison between this and the flight of an aeroplane over foreign territory carried out by private persons animated by that spirit of individual courage by which aviators are distinguished.'

"An act of aggression committed on the territory of a neighbour by detachments of regular troops commanded by officers assumes an importance of quite a different nature."

"Herr von Jagow explained to me that he had no knowledge of the facts of which I was speaking to him, and he added that it was difficult for events of this kind not to take place when two armies filled with the feelings which animated our troops found themselves face to face on either side of the frontier."

"At this moment the crowds which thronged the Pariser Platz in front of the Embassy and whom we could see through the window of my study, which was half-open, uttered shouts against France. I asked the Secretary of State when all this would come to an end."

"The Government has not yet come to a decision," Herr von Jagow answered. "It is probable that Herr von Schoen will receive orders to-day to ask for his passports and then you will receive yours." The Secretary of State assured me that I need not have any anxiety with regard to my departure, and that all the proprieties would be observed with regard to me as well as my staff. We were not to see one another any more and we took leave of one another after an interview which had been courteous and could not make me anticipate what was in store for me.

"Before leaving Herr von Jagow I expressed to him my wish to make a personal call on the Chancellor, as that would be the last opportunity that I should have of seeing him."

"Herr von Jagow answered that he did not advise me to carry out this intention as this interview would serve no purpose and could not fail to be painful."

"At 6 o'clock in the evening Herr von Langwerth brought me my passports. In the name of his Government he refused to agree to the wish which I expressed to him that I should be permitted to travel by Holland or Belgium. He suggested to me that I should go either by way of Copenhagen, although he could not assure me a free passage by sea, or through Switzerland via Constance."

"I accepted this last route; Herr von Langwerth having asked me to leave as soon as I possibly could it was agreed, in consideration of the neces-

sity I was under of making arrangements with the Spanish Ambassador, who was undertaking the charge of our interests, that I should leave on the next day, the 4th August, at 10 o'clock at night.

"At 7 o'clock, an hour after Herr von Langwerth had left, Herr von Lancken, formerly Councillor of the Embassy at Paris, came from the Minister for Foreign Affairs to tell me to request the staff by my Embassy to cease taking meals in the restaurants. This order was so strict that on the next day, Tuesday, I had to have recourse to the authority of the Wilhelmstrasse to get the Hotel Bristol to send our meals to the Embassy.

"At 11 o'clock on the same evening, Monday, Herr von Langwerth came back to tell me that his Government would not allow our return by way of Switzerland under the pretext that it would take three days and three nights to take me to Constance. He announced that I should be sent by way of Vienna. I only agreed to this alteration under reserve, and during the night I wrote the following letter to Herr von Langwerth:—

Berlin, August 3, 1914.

'M. LE BARON,

I have been thinking over the route for my return to my country about which you came to speak to me this evening. You propose that I shall travel by Vienna. I run the risk of finding myself detained in that town, if not by the action of the Austrian Government, at least owing to the mobilisation which creates great difficulties similar to those existing in Germany as to the movements of trains.

Under these circumstances I must ask the German Government for a promise made on their honour that the Austrian Government will send me to Switzerland, and that the Swiss Government will not close its frontier either to me or to the persons by whom I am accompanied, as I am told that that frontier has been firmly closed to foreigners.

I cannot then accept the proposal that you have made to me unless I have the security which I ask for, and unless I am assured that I shall not be detained for some months outside my country.

JULES CAMBON.'

"In answer to this letter on the next morning, Tuesday, the 4th August, Herr von Langwerth gave me in writing an assurance that the Austrian and Swiss authorities had received communications to this effect.

"At the same time M. Miladowski, attached to the Consulate at Berlin, as well as other Frenchmen, was arrested in his own house while in bed. M. Miladowski, for whom a diplomatic passport had been requested, was released after four hours.

"I was preparing to leave for Vienna when, at a quarter to five, Herr von Langwerth came back to inform me that I would have to leave with the persons accompanying me at 10 o'clock in the evening, but that I should be taken to Denmark. On this new requirement I asked if I should be confined in a fortress supposing I did not comply. Herr von Langwerth simply answered that he would return to receive my answer in half an hour. I did not wish to give the German Government the pretext for saying that I had refused to depart from Germany. I therefore told Herr von Langwerth when he came back that I would submit to the order which had been given to me but 'that I protested.'

"I at once wrote to Herr von Jagow a letter of which the following is a copy:

Berlin, August 4, 1914.

'Sir,

More than once your Excellency has said to me that the Imperial Government, in accordance with the usages of international courtesy, would facilitate my return to my own country and would give me every means of getting back to it quickly.

'Yesterday, however, Baron von Langwerth, after refusing me access to Belgium and Holland, informed me that I should travel to Switzerland via Constance. During the night I was informed that I should be sent to Austria, a country which is taking part in the present war on the side of Germany. As I had no knowledge of the intentions of Austria towards me, since on Austrian soil I am nothing but an ordinary private individual, I wrote to Baron von Langwerth that I requested the Imperial Government to give me a promise that the Imperial and Royal Austrian authorities would give me all possible facilities for continuing my journey and that Switzerland would not be closed to me. Herr von Langwerth has been good enough to answer me in writing that I could be assured of an easy journey and that the Austrian authorities would do all that was necessary.

'It is nearly five o'clock, and Baron von Langwerth has just announced to me that I shall be sent to Denmark. In view of the present situation, there is no security that I shall find a ship to take me to England and it is this consideration which made me reject this proposal, with the approval of Herr von Langwerth.

'In truth no liberty is left me and I am treated almost as a prisoner. I am obliged to submit, having no means of obtaining that the rules of international courtesy should be observed towards me, but I hasten to protest to your Excellency against the manner in which I am being treated.

JULES CAMBON.'

"Whilst my letter was being delivered I was told that the journey would not be made direct but by way of Schleswig. At 10 o'clock in the evening, I left the Embassy with my staff in the middle of a great assembly of foot and mounted police.

"At the station the Ministry for Foreign Affairs was only represented by an officer of inferior rank.

"The journey took place with extreme slowness. We took more than twenty-four hours to reach the frontier. It seemed that at every station they had to wait for orders to proceed. I was accompanied by Major von Rheinbaben of the Alexandra Regiment of the Guard and by a police officer. In the neighbourhood of the Kiel Canal the soldiers entered our carriages. The windows were shut and the curtains of the carriages drawn down; each of us had to remain isolated in his compartment and was forbidden to get up or to touch his luggage. A soldier stood in the corridor of the carriage before the door of each of our compartments which were kept open, revolver in hand and finger on the trigger. The Russian Chargé d'Affaires, the women and children and everyone were subjected to the same treatment.

"At the last German station about 11 o'clock at night, Major von Rhein-

haben came to take leave of me. I handed to him the following letter to Herr von Jagow.

Wednesday Evening, August 5, 1914.

'Sir,
'Yesterday before leaving Berlin, I protested in writing to your Excellency against the repeated change of route which was imposed upon me by the Imperial Government on my journey from Germany.

'To-day, as the train in which I was passed over the Kiel Canal an attempt was made to search all our luggage as if we might have hidden some instrument of destruction. Thanks to the interference of Major von Rheinbaben, we were spared this insult. But they went further.

'They obliged us to remain each in his own compartment, the windows and blinds having been closed. During this time, in the corridors of the carriages at the door of each compartment and facing each one of us, stood a soldier, revolver in hand, finger on the trigger, for nearly half an hour.

'I consider it my duty to protest against this threat of violence to the Ambassador of the Republic and the staff of his Embassy, violence which nothing could even have made me anticipate. Yesterday I had the honour of writing to your Excellency that I was being treated almost as a prisoner. To-day I am being treated as a dangerous prisoner. Also I must record that during our journey which from Berlin to Denmark has taken twenty-four hours, no food has been prepared nor provided for me nor for the persons who were travelling with me to the frontier.

JULES CAMBON.'

"I thought that our troubles had finished, when shortly afterwards Major von Rheinbaben came, rather embarrassed, to inform me that the train would not proceed to the Danish frontier if I did not pay the cost of this train. I expressed my astonishment that I had not been made to pay at Berlin and that at any rate I had not been forewarned of this. I offered to pay by a cheque on one of the largest Berlin banks. This facility was refused me. With the help of my companions I was able to collect, in gold, the sum which was required from me at once, and which amounted to 3,611 marks, 75 pfennig. This is about 5,000 francs in accordance with the present rate of exchange.*

"After this last incident, I thought it necessary to ask Major von Rheinbaben for his word of honour as an officer and a gentleman that we should be taken to the Danish frontier. He gave it to me, and I required that the policeman who was with us should accompany us.

"In this way we arrived at the first Danish station, where the Danish Government had had a train made ready to take us to Copenhagen.

"I am assured that my English colleague and the Belgian Minister, although they left Berlin after I did, travelled by the direct route to Holland. I am struck by this difference of treatment, and as Denmark and Norway are, at this moment, infested with spies, if I succeed in embarking

* Subsequently the sum thus required from M. Jules Cambon was given to the Spanish Ambassador to be repaid to the French Ambassador.

in Norway, there is a danger that I may be arrested at sea with the officials who accompany me.

"I do not wish to conclude this despatch without notifying your Excellency of the energy and devotion of which the whole staff of the Embassy has given unceasing proof during the course of this crisis. I shall be glad that account should be taken of the services which on this occasion have been rendered to the Government of the Republic, in particular by the Secretaries of the Embassy and by the Military and Naval Attachés.

JULES CAMBON."

No. 156. M. Mollard, French Minister at Luxemburg, to M. Doumergue, Minister for Foreign Affairs.

Paris, August 5, 1914.

The Minister of State came to see me at the Legation this morning, Tuesday, 4th August, 1914, at about half-past eight o'clock, in order to notify me that the German military authorities required my departure. On my answering that I would only give way to force M. Eyschen said that he understood my feelings in this matter, and it was just for that reason that he had himself come to make this communication which cost him so much, for it was just because force was used that he asked me to leave. He added that he was going to bring me written proof of this.

I did not conceal from M. Eyschen the grief and anxiety which I had in leaving my fellow-countrymen without defence, and asked him to be good enough to undertake their protection; this he promised to do.

Just as he was leaving he handed me the enclosed letter (Enclosure I.) which is the answer of the Luxemburg Government to the declaration which I had made the evening before, according to telegraphic instructions of M. Viviani.

About 10 o'clock, the Minister of State came again to the Legation and left me with a short note from himself, a certified copy of the letter which the German Minister had addressed to him on the subject of my departure from Luxemburg. (Enclosures II. and III.)

At the same time he told me that he had informed Herr von Buch that the Luxemburg Government would be entrusted with the protection of the French and would have charge of the Legation and the Chancery. This news did not seem to be agreeable to my German colleague, who advised M. Eyschen to move me to entrust this responsibility to the Belgian Minister. I explained to the Minister of State that the situation was peculiar. As I was accredited to Her Royal Highness the Grand Duchess and as my country was not in a state of war with Luxemburg, it was in these circumstances clearly indicated that it should be the Luxemburg Government which should look after the safety of my fellow-countrymen. M. Eyschen did not insist, and again accepted the service which I entrusted to him.

The Minister of State then asked me to be good enough to leave quietly in order to avoid any demonstration, which, as he said, would not fail to bring about reprisals on the part of the German military authorities against the French. I answered that I attached too much value to the safety of my countrymen to compromise it and that he had nothing to fear.

My departure, which was required to take place as soon as possible, was fixed for two o'clock; it was at the same time understood that I should

leave in my motor car. As to a safe conduct, M. Eyschen told me that the German Minister was at that very moment at the German headquarters to ask for it, and that he would take care that I received it in good time.

At a quarter-past two the Minister of State, accompanied by M. Henrion, Councillor of the Government, came to take leave of me and to receive the keys of the Legation and those of the Chancery.

He told me that orders had been given for my free passage, and that I must make for Arlon by way of the Merle, Mamers and Arlon roads. He added that a German officer would wait for me at the Merle road in order to go in front of my motor car.

I then left the Legation and made my way to Arlon by the road which had been determined on, but I did not meet anyone.

Your Excellency will have the goodness to find the enclosed text of the letter which I sent to the Minister of State before leaving my post (Enclosure IV.).

MOLLARD.

Enclosure I. M. Eyschen, Minister of State, President of the Government, to M. Mollard, French Envoy Extraordinary and Minister Plenipotentiary at Luxemburg.

Luxemburg, August 4, 1914.

Sir,

In an oral communication made yesterday evening, your Excellency has had the goodness to bring to my knowledge that in accordance with the Treaty of London of 1867, the Government of the Republic intended to respect the neutrality of the Grand Duchy of Luxemburg as they had shown by their attitude, but that the violation of this neutrality by Germany was nevertheless of such a kind as to compel France henceforth to be influenced in this matter by the care for her defence and her interests.

You will allow me to point out clearly that the decision of the Government of the Republic is based solely on the act of a third Power for which in truth the Grand Duchy is not responsible.

The rights of Luxemburg must then remain intact.

The German Empire has formally declared that only a temporary occupation of Luxemburg entered into their intentions.

I am glad to believe that the Government of the Republic will have no difficulty in establishing with me the fact that at all times and in all circumstances the Grand Duchy has fully and loyally fulfilled all the obligations of every kind which rested on it in virtue of the Treaty of 1867.

I remain, etc.,

EYSCHEN,
Minister of State, President of the Government.

Enclosure II. Private Letter from M. Eyschen, Minister of State, President of the Government, to M. Mollard, French Minister, at Luxemburg.

Sir,

A short time ago I had with very great regret to inform you of the intentions of General von Fuchs with regard to your sojourn in Luxemburg.

*

As I had the honour to tell you, I asked for confirmation in writing of the decision taken by the military authorities in this matter.

Enclosed is a copy of a letter which I have at this moment received from the German Minister.

He has assured me that in carrying out this step there will be no want of the respect due to your position and person.

Be good enough to receive the renewed expression of my regret and my deep regard.

EYSCHEN.

Enclosure III. To His Excellency the Minister of State, Dr. Eyschen.

Your Excellency,

In accordance with the instructions of his Excellency General Fuchs, I have the honour to ask you to be good enough to request the French Minister, M. Mollard, to leave Luxemburg as soon as possible and to return to France; otherwise the German military authorities would find themselves under the painful necessity of placing M. Mollard under the charge of a military escort and in the last extremity of proceeding to his arrest.

I beg your Excellency to have the goodness on this occasion to receive the assurance of my deepest regard.

VON BUCH.

Enclosure IV. M. Mollard, French Minister at Luxemburg, to His Excellency M. Eyschen, Minister of State, President of the Government of Luxemburg.

Luxemburg, August 4, 1914.

Sir,

I have just received your communication and I submit to force.

Before leaving Luxemburg it is my duty to provide for the fortunes and safety of my fellow-countrymen. Knowing the spirit of justice and equity of the Luxemburg Government, I have the honour to ask your Excellency to take them under your protection, and to watch over the safety of their lives and goods.

At the same time I will ask your Excellency to take charge of the Legation and the offices of the Chancery.

I should be much obliged to your Excellency if you would be good enough to lay before Her Royal Highness the Grand Duchess the expression of my deepest respect, and my excuses for not having been able myself to express them to her.

In thanking you for all the marks of sympathy which you have given me I beg you to receive renewed assurances of my deep regard.

ARMAND MOLLARD.

No. 157. Notification of the French Government to the Representatives of the Powers at Paris.

The German Imperial Government, after having allowed its armed forces to cross the frontier, and to permit various acts of murder and pillage

on French territory; after having violated the neutrality of the Grand Duchy of Luxemburg in defiance of the stipulations of the Convention of London, 11th May, 1867, and of Convention V. of the Hague, 18th October, 1907, *on the rights and duties of Powers and persons in case of war on land* (Articles 1 and 2), Conventions which have been signed by the German Government; after having addressed an ultimatum to the Royal Government of Belgium with the object of requiring passage for German troops through Belgian territory in violation of the Treaties of the 19th April, 1859, which had been signed by them, and in violation of the above Convention of the Hague

Have declared war on France at 6.45 p.m. on the 3rd August, 1914.

In these circumstances the Government of the Republic find themselves obliged on their side to have recourse to arms.

They have in consequence the honour of informing by these presents the Government of . . . that a state of war exists between France and Germany dating from 6.45 p.m. on 3rd August, 1914.

The Government of the Republic protest before all civilised nations, and especially those Governments which have signed the Conventions and Treaties referred to above, against the violation by the German Empire of their international engagements, and they reserve full right for reprisals which they might find themselves brought to exercise against an enemy so little regardful of its plighted word.

The Government of the Republic, who propose to observe the principles of the law of nations, will, during the hostilities, and assuming that reciprocity will be observed, act in accordance with the International Conventions signed by France concerning the law of war on land and sea.

The present notification, made in accordance with Article 2 of the Third Convention of the Hague of the 18th October, 1907, relating to the opening of hostilities and handed to . . .

Paris, August 4, 1914, 2 p.m.

No. 158. Message from M. Poincaré, President of the Republic, read at the Extraordinary Session of Parliament, August 4, 1914.
(Journal Officiel of the 5th August, 1914.)

(The Chamber rises and remains standing during the reading of the message.)

"Gentlemen,

"France has just been the object of a violent and premeditated attack, which is an insolent defiance of the law of nations. Before any declaration of war had been sent to us, even before the German Ambassador had asked for his passports, our territory has been violated. The German Empire has waited till yesterday evening to give at this late stage the true name to a state of things which it had already created.

"For more than forty years the French, in sincere love of peace, have buried at the bottom of their heart the desire for legitimate reparation.

"They have given to the world the example of a great nation which, definitely raised from defeat by the exercise of will, patience and labour, has only used its renewed and rejuvenated strength in the interest of progress and for the good of humanity.

"Since the ultimatum of Austria opened a crisis which threatened the whole of Europe, France has persisted in following and in recommending on all sides a policy of prudence, wisdom and moderation.

"To her there can be imputed no act, no movement, no word, which has not been peaceful and conciliatory.

"At the hour when the struggle is beginning, she has the right, in justice to herself, of solemnly declaring that she has made, up to the last moment, supreme efforts to avert the war now about to break out, the crushing responsibility for which the German Empire will have to bear before history. (*Unanimous and repeated applause.*)

"On the very morrow of the day when we and our allies were publicly expressing our hope of seeing negotiations which had been begun under the auspices of the London Cabinet carried to a peaceful conclusion, Germany suddenly declared war upon Russia, she has invaded the territory of Luxemburg, she has outrageously insulted the noble Belgian nation (*loud and unanimous applause*), our neighbour and our friend, and attempted treacherously to fall upon us while we were in the midst of diplomatic conversation. (*Fresh and repeated unanimous applause.*)

"But France was watching. As alert as she was peaceful, she was prepared; and our enemies will meet on their path our valiant covering troops, who are at their post and will provide the screen behind which the mobilisation of our national forces will be methodically completed.

"Our fine and courageous army, which France to-day accompanies with her maternal thought (*loud applause*) has risen eager to defend the honour of the flag and the soil of the country. (*Unanimous and repeated applause.*)

"The President of the Republic, interpreting the unanimous feeling of the country, expresses to our troops by land and sea the admiration and confidence of every Frenchman (*loud and prolonged applause*).

"Closely united in a common feeling, the nation will persevere with the cool self-restraint of which, since the beginning of the crisis, she has given daily proof. Now, as always, she will know how to harmonise the most noble daring and most ardent enthusiasm with that self-control which is the sign of enduring energy and is the best guarantee of victory (*applause*).

"In the war which is beginning France will have Right on her side, the eternal power of which cannot with impunity be disregarded by nations any more than by individuals (*loud and unanimous applause*).

"She will be heroically defended by all her sons; nothing will break their sacred union before the enemy; to-day they are joined together as brothers in a common indignation against the aggressor, and in a common patriotic faith (*loud and prolonged applause and cries of 'Vive la France'.*)

"She is faithfully helped by Russia, her ally (*loud and unanimous applause*); she is supported by the loyal friendship of England (*loud and unanimous applause*).

"And already from every part of the civilised world sympathy and good wishes are coming to her. For to-day once again she stands before the universe for Liberty, Justice and Reason (*loud and repeated applause*) 'Haut les cœurs et vive la France!' (*unanimous and prolonged applause*).

RAYMOND POINCARÉ."

No. 159. Speech delivered by M. René Viviani, President of the Council, in the Chamber of Deputies, August 4, 1914.

(Journal Officiel, August 5, 1914.)

M. René Viviani, *President of the Council.*

"Gentlemen,

The German Ambassador yesterday left Paris after notifying us of the existence of a state of war.

The Government owe to Parliament a true account of the events which, in less than ten days, have unloosed a European war and compelled France, peaceful and valiant, to defend her frontier against an attack, the hateful injustice of which is emphasized by its calculated unexpectedness.

This attack, which has no excuse, and which began before we were notified of any declaration of war, is the last act of a plan, whose origin and object I propose to declare before our own democracy and before the opinion of the civilised world.

As a consequence of the abominable crime which cost the Austro-Hungarian Heir-Apparent and the Duchess of Hohenburg their lives, difficulties arose between the Cabinets of Vienna and Belgrade.

The majority of the Powers were only semi-officially informed of these difficulties up till Friday, July 24th, the date on which the Austro-Hungarian Ambassadors communicated to them a circular which the press has published.

The object of this circular was to explain and justify an ultimatum delivered the evening before to Servia by the Austro-Hungarian Minister at Belgrade.

This ultimatum, in alleging the complicity of numerous Servian subjects and associations in the Serajevo crime, hinted that the official Servian authorities themselves were no strangers to it. It demanded a reply from Servia by 6 o'clock on the evening of Saturday, July 25th.

The Austrian demands, or at any rate many of them, without doubt struck a blow at the rights of a sovereign State. Notwithstanding their excessive character, Servia, on July 25th, declared that she submitted to them almost without reserve.

This submission, which constituted a success for Austria-Hungary, a guarantee for the peace of Europe, was not unconnected with the advice tendered to Belgrade from the first moment by France, Russia and Great Britain.

The value of this advice was all the greater since the Austro-Hungarian demands had been concealed from the Chanceries of the Triple Entente, to whom in the three preceding weeks the Austro-Hungarian Government had on several occasions given an assurance that their claims would be extremely moderate.

It was, therefore, with natural astonishment that the Cabinets of Paris, St. Petersburg and London learned on 26th July that the Austrian Minister at Belgrade, after a few minutes' examination, declared that the Servian reply was unacceptable, and broke off diplomatic relations.

This astonishment was increased by the fact that on Friday, the 24th, the German Ambassador came and read to the French Minister for Foreign Affairs a *note verbale* asserting that the Austro-Servian dispute must remain localised, without intervention by the great Powers, or otherwise "incal-

culable consequences" were to be feared. A similar *démarche* was made on Saturday, the 25th, at London and at St. Petersburg.

Need I, Gentlemen, point out to you the contrast between the threatening expressions used by the German Ambassador at Paris and the conciliatory sentiments which the Powers of the Triple Entente had just manifested by the advice which they gave to Serbia to submit?

Nevertheless, in spite of the extraordinary character of the German *démarche*, we immediately, in agreement with our Allies and our friends, took a conciliatory course and invited Germany to join in it.

We have had from the first moment regretfully to recognise that our intentions and our efforts met with no response at Berlin.

Not only did Germany appear wholly unwilling to give to Austria-Hungary the friendly advice which her position gave her the right to offer, but from this moment and still more in the following days, she seemed to intervene between the Cabinet at Vienna and the compromises suggested by the other Powers.

On Tuesday, 28th July, Austria-Hungary declared war on Serbia. This declaration of war, with its aggravation of the state of affairs brought about by the rupture of diplomatic relations three days before, gave ground for believing that there was a deliberate desire for war, and a systematic programme for the enslavement of Serbia.

Thus there was now involved in the dispute not only the independence of a brave people, but the balance of power in the Balkans, embodied in the Treaty of Bukarest of 1913, and consecrated by the moral support of all the great Powers.

However, at the suggestion of the British Government with its constant and firm attachment to the maintenance of the peace of Europe, the negotiations were continued, or, to speak more accurately, the Powers of the Triple Entente tried to continue them.

From this common desire sprang the proposal for action by the four Powers, England, France, Germany and Italy, which was intended, by assuring to Austria all legitimate satisfaction, to bring about an equitable adjustment of the dispute.

On Wednesday, the 29th, the Russian Government, noting the persistent failure of these efforts and faced by the Austrian mobilisation and declaration of war, fearing the military destruction of Serbia, decided as a precautionary measure to mobilise the troops of four military districts, that is to say, the formations echeloned along the Austro-Hungarian frontier exclusively.

In taking this step, the Russian Government were careful to inform the German Government that their measures, restricted as they were and without any offensive character towards Austria, were not in any degree directed against Germany.

In a conversation with the Russian Ambassador at Berlin, the German Secretary of State for Foreign Affairs acknowledged this without demur.

On the other hand, all the efforts made by Great Britain with the adherence of Russia and the support of France, to bring Austria and Serbia into touch under the moral patronage of Europe, were encountered at Berlin with a predetermined negative of which the diplomatic despatches afford the clearest proof.

This was a disquieting situation which made it probable that there existed at Berlin intentions which had not been disclosed. Some hours afterwards this alarming suspicion was destined to become a certainty.

In fact Germany's negative attitude gave place thirty-six hours later to positive steps which were truly alarming. On the 31st July, Germany, by proclaiming "a state of danger of war," cut the communications between herself and the rest of Europe, and obtained for herself complete freedom to pursue against France in absolute secrecy military preparations which, as you have seen, nothing could justify.

Already for some days, and in circumstances difficult to explain, Germany had prepared for the transition of her army from a peace footing to a war footing.

From the morning of the 25th July, that is to say, even before the expiration of the time limit given to Serbia by Austria, she had confined to barracks the garrisons of Alsace-Lorraine. The same day she had placed the frontier-works in a complete state of defence. On the 26th, she had indicated to the railways the measures preparatory for concentration. On the 27th, she had completed requisitions and placed her covering troops in position. On the 28th, the summons of individual reservists had begun and units which were distant from the frontier had been brought up to it.

Could all these measures, pursued with implacable method, leave us in doubt of Germany's intentions?

Such was the situation when, on the evening of the 31st July, the German Government, which, since the 24th, had not participated by any active step in the conciliatory efforts of the Triple Entente, addressed an ultimatum to the Russian Government under the pretext that Russia had ordered a general mobilisation of her armies, and demanded that this mobilisation should be stopped within twelve hours.

This demand, which was all the more insulting in form because a few hours earlier the Emperor Nicholas II., with a movement at once confiding and spontaneous, had asked the German Emperor for his mediation, was put forward at a moment when, on the request of England and with the knowledge of Germany, the Russian Government was accepting a formula of such a nature as to lay the foundation for a friendly settlement of the Austro-Servian dispute and of the Austro-Russian difficulties by the simultaneous arrest of military operations and of military preparations.

The same day this unfriendly *démarche* towards Russia was supplemented by acts which were frankly hostile towards France; the rupture of communications by road, railway, telegraph and telephone, the seizure of French locomotives on their arrival at the frontier, the placing of machine guns in the middle of the permanent way which had been cut, and the concentration of troops on this frontier.

From this moment we were no longer justified in believing in the sincerity of the pacific declaration which the German representative continued to shower upon us (*hear, hear*).

We knew that Germany was mobilising under the shelter of the "state of danger of war."

We learnt that six classes of reservists had been called up, and that transport was being collected even for those army corps which were stationed a considerable distance from the frontier.

As these events unfolded themselves, the Government, watchful and vigilant, took from day to day, and even from hour to hour, the measures of precaution which the situation required; the general mobilisation of our forces on land and sea was ordered.

The same evening, at 7.30, Germany, without waiting for the acceptance by the Cabinet of St. Petersburg of the English proposal, which I have already mentioned, declared war on Russia.

The next day, Sunday, the 2nd August, without regard for the extreme moderation of France, in contradiction to the peaceful declarations of the German Ambassador at Paris, and in defiance of the rules of international law, German troops crossed our frontier at three different points.

At the same time, in violation of the Treaty of 1867, which guaranteed with the signature of Prussia the neutrality of Luxemburg, they invaded the territory of the Grand Duchy and so gave cause for a protest by the Luxemburg Government.

Finally, the neutrality of Belgium also was threatened. The German Minister, on the evening of the 2nd August, presented to the Belgian Government an ultimatum requesting facilities in Belgium for military operations against France, under the lying pretext that Belgian neutrality was threatened by us; the Belgian Government refused, and declared that they were resolved to defend with vigour their neutrality, which was respected by France and guaranteed by treaties, and in particular by the King of Prussia. (*Unanimous and prolonged applause.*)

Since then, Gentlemen, the German attacks have been renewed, multiplied, and accentuated. At more than fifteen points our frontier has been violated. Shots have been fired at our soldiers and Customs officers. Men have been killed and wounded. Yesterday a German military aviator dropped three bombs on Lunéville.

The German Ambassador, to whom as well as to all the great Powers, we communicated these facts, did not deny them or express his regrets for them. On the contrary, he came yesterday evening to ask me for his passports, and to notify us of the existence of a state of war, giving as his reason, in the teeth of all the facts, hostile acts committed by French aviators in German territory in the Eifel district, and even on the railway near Carlsruhe and near Nuremberg. This is the letter which he handed to me on the subject:—

“M. Le President,

“The German administrative and military authorities have established a certain number of flagrantly hostile acts committed on German territory by French military aviators. Several of these have openly violated the neutrality of Belgium by flying over the territory of that country; one has attempted to destroy buildings near Wesel; others have been seen in the district of the Eifel; one has thrown bombs on the railway near Carlsruhe and Nuremberg.

“I am instructed, and I have the honour to inform your Excellency, that in the presence of these acts of aggression the German Empire considers itself in a state of war with France in consequence of the acts of this latter Power.

“At the same time, I have the honour to bring to the knowledge of your Excellency that the German authorities will retain French mercantile vessels in German ports, but they will release them if, within forty-eight hours, they are assured of complete reciprocity.

“My diplomatic mission having thus come to an end it only remains for me to request your Excellency to be good enough to furnish me with my passports, and to take the steps you consider suitable to assure my return to Germany, with the staff of the Embassy, as well as with the Staff of the Bavarian Legation and of the German Consulate General in Paris.

"Be good enough, M. le Président, to receive the assurances of my deepest respect.

"(Signed) SCHOEN."

Need I, Gentlemen, lay stress on the absurdities of these pretexts which they put forward as grievances? At no time has any French aviator penetrated into Belgium, nor has any French aviator committed either in Bavaria or any other part of Germany any hostile act. The opinion of Europe has already done justice to these wretched inventions. (*Loud and unanimous applause.*)

Against these attacks, which violate all the laws of justice and all the principles of public law, we have now taken all the necessary steps; they are being carried out strictly, regularly, and with calmness.

The mobilisation of the Russian army also continues with remarkable vigour and unrestrained enthusiasm. (*Unanimous and prolonged applause, all the deputies rising from their seats.*) The Belgian army, mobilised with 250,000 men, prepares with a splendid passion and magnificent ardour to defend the neutrality and independence of their country. (*Renewed loud and unanimous applause.*)

The entire English fleet is mobilised and orders have been given to mobilise the land forces. (*Loud cheers, all the deputies rising to their feet.*)

Since 1912 *pourparlers* had taken place between English and French General Staffs and were concluded by an exchange of letters between Sir Edward Grey and M. Paul Cambon. The Secretary of State for Foreign Affairs yesterday evening communicated these letters to the House of Commons, and I have the honour, with the consent of the British Government, to acquaint you with the contents of these two documents.

Foreign Office,
November 22, 1912.

"My dear Ambassador,

"From time to time in recent years the French and British naval and military experts have consulted together. It has always been understood that such consultation does not restrict the freedom of either Government to decide at any future time whether or not to assist the other by armed force. We have agreed that consultation between experts is not, and ought not to be regarded as, an engagement that commits either Government to action in a contingency that has not arisen and may never arise. The disposition, for instance, of the French and British fleets respectively at the present moment is not based upon an engagement to co-operate in war.

"You have, however, pointed out that, if either Government had grave reason to expect an unprovoked attack by a third Power, it might become essential to know whether it could in that event depend upon the armed assistance of the other.

"I agree that, if either Government had grave reason to expect an unprovoked attack by a third Power, or something that threatened the general peace, it should immediately discuss with the other whether both Governments should act together to prevent aggression and to preserve peace, and, if so, what measures they would be prepared to take in common. If these measures involved action, the plans of the General Staffs would at once be taken into consideration, and the Governments would then decide what effect should be given to them.

Yours, &c.,
E. GREY.

To this letter our Ambassador, M. Paul Cambon, replied on the 23rd November 1912:—

London, November 23, 1912.

"Dear Sir Edward,

"You reminded me in your letter of yesterday, 22nd November, that during the last few years the military and naval authorities of France and Great Britain had consulted with each other from time to time; that it had always been understood that these consultations should not restrict the liberty of either Government to decide in the future whether they should lend each other the support of their armed forces; that, on either side, these consultations between experts were not and should not be considered as engagements binding our Governments to take action in certain eventualities; that, however, I had remarked to you that, if one or other of the two Governments had grave reasons to fear an unprovoked attack on the part of a third Power, it would become essential to know whether it could count on the armed support of the other.

"Your letter answers that point, and I am authorised to state that, in the event of one of our two Governments having grave reasons to fear either an act of aggression from a third Power, or some event threatening the general peace, that Government would immediately examine with the other the question whether both Governments should act together in order to prevent the act of aggression or preserve peace. If so, the two Governments would deliberate as to the measures which they would be prepared to take in common; if those measures involved action, the two Governments would take into immediate consideration the plans of their general staffs and would then decide as to the effect to be given to those plans.

Yours, &c.,

PAUL CAMBON."

In the House of Commons the Secretary of State for Foreign Affairs spoke of France amidst the applause of the members in a noble and warm-hearted manner and his language has already found an echo deep in the hearts of all Frenchmen (*loud and unanimous applause*). I wish in the name of the Government of the Republic to thank the English Government from this tribune for their cordial words and the Parliament of France will associate itself in this sentiment (*renewed, prolonged and unanimous applause*).

The Secretary of State for Foreign Affairs made in particular the following declaration:—

"In case the German fleet came into the Channel or entered the North Sea in order to go round the British Isles with the object of attacking the French coasts or the French navy and of harassing French merchant shipping, the English fleet would intervene in order to give to French shipping its complete protection in such a way that from that moment England and Germany would be in a state of war."

From now onwards, the English fleet protects our northern and western coasts against a German attack. Gentlemen, these are the facts. I believe that the simple recital of them is sufficient to justify the acts of the Government of the Republic. I wish, however, to make clear the conclusion to be drawn from my story and to give its true meaning to the unheard-of attack of which France is the victim.

The victors of 1870 have, at different times, as you know, desired to repeat the blows which they dealt us then. In 1875, the war which was intended to complete the destruction of conquered France was only prevented by the intervention of the two Powers to whom we were to become united at a later date by ties of alliance and of friendship (*unanimous applause*), by the intervention of Russia and of Great Britain (*prolonged applause, all the deputies rising to their feet*).

Since then the French Republic, by the restoration of her national forces and the conclusion of diplomatic agreements unswervingly adhered to, has succeeded in liberating herself from the yoke which even in a period of profound peace Bismarck was able to impose upon Europe.

She has re-established the balance of power in Europe, a guarantee of the liberty and dignity of all.

Gentlemen, I do not know if I am mistaken, but it seems to me that this work of peaceful reparation, of liberation and honour finally ratified in 1904 and 1907, with the genial co-operation of King Edward VII. of England and the Government of the Crown (*applause*), this is what the German Empire wishes to destroy to-day by one daring stroke.

Germany can reproach us with nothing.

Bearing in silence in our bosom for half a century the wound which Germany dealt us we have offered to peace an unprecedented sacrifice (*loud and unanimous applause*).

We have offered other sacrifices in all the discussions which since 1904 German diplomacy has systematically provoked, whether in Morocco or elsewhere in 1905, in 1906, in 1908, in 1911.

Russia also has given proof of great moderation at the time of the events of 1908, as she has done in the present crisis.

She observed the same moderation, and the Triple Entente with her, when in the Eastern crisis of 1912 Austria and Germany formulated demands, whether against Serbia or against Greece, which still were, as the event proved, capable of settlement by discussion.

Useless sacrifices, barren negotiations, empty efforts, since to-day in the very act of conciliation we, our allies and ourselves, are attacked by surprise (*prolonged applause*).

No one can honestly believe that we are the aggressors. Vain is the desire to overthrow the sacred principles of right and of liberty to which nations, as well as individuals, are subject; Italy with that clarity of insight possessed by the Latin intellect, has notified us that she proposes to preserve neutrality (*prolonged applause, all the deputies rising to their feet*).

This decision has found in all France an echo of sincerest joy. I made myself the interpreter of this feeling to the Italian Chargé d'Affaires when I told him how much I congratulated myself that the two Latin sisters, who have the same origin and the same ideal, a common and glorious past, are not now opposed to one another (*renewed applause*).

Gentlemen, we proclaim loudly the object of their attack—it is the independence, the honour, the safety, which the Triple Entente has regained in the balance of power for the service of peace. The object of attack is the liberties of Europe, which France, her allies, and her friends, are proud to defend (*loud applause*).

We are going to defend these liberties, for it is they that are in dispute, and all the rest is but a pretext.

France, unjustly provoked, did not desire war, she has done everything to avert it. Since it is forced upon her, she will defend herself

against Germany and against every Power which has not yet declared its intentions, but joins with the latter in a conflict between the two countries. (*Applause, all the deputies rising to their feet.*)

A free and valiant people that sustains an eternal ideal, and is wholly united to defend its existence; a democracy which knows how to discipline its military strength, and was not afraid a year ago to increase its burden as an answer to the armaments of its neighbour; a nation armed, struggling for its own life and for the independence of Europe—here is a sight which we are proud to offer to the onlookers in this desperate struggle, that has for some days been preparing with the greatest calmness and method. We are without reproach. We shall be without fear. (*Loud applause, all the deputies rising to their feet.*) France has often proved in less favourable circumstances that she is a most formidable adversary when she fights, as she does to-day, for liberty and for right (*applause*).

In submitting our actions to you, Gentlemen, who are our judges, we have, to help us in bearing the burden of our heavy responsibility, the comfort of a clear conscience and the conviction that we have done our duty (*prolonged applause, all the deputies rising to their feet*).

RENÉ VIVIANI.

CHAPTER VII.

No. 160.

DECLARATION OF THE TRIPLE ENTENTE.

(September 4, 1914.)

DECLARATION.

**M. Delcassé, Minister for Foreign Affairs, to the French Ambassadors
and Ministers abroad.**

Paris, September 4, 1914.

The following declaration has this morning been signed at the Foreign Office at London:—

“The undersigned, duly authorized thereto by their respective Governments, hereby declare as follows:—

‘The British, French and Russian Governments mutually engage not to conclude peace separately during the present war. The three Governments agree that when terms of peace come to be discussed, no one of the Allies will demand terms of peace without the previous agreement of each of the other Allies.’

(Signed) PAUL CAMBON.

COUNT BENCKENDORFF.

EDWARD GREY.”

This declaration will be published to-day.

DELCASSÉ.

APPENDICES.

EXTRACTS.

From the "Blue Book" (English), from the "Grey Book" (Belgian), from the "White Book" (German), from the "Orange Book" (Russian).

APPENDIX I.

Extracts from the "Blue Book" relating to the Attitude taken by the English Government in regard to Russia, Germany, and France, during the Pourparlers which preceded the War.

No. 6. Sir G. Buchanan, British Ambassador at St. Petersburg, to Sir Edward Grey.

(Received July 24.)

(Telegraphic.)

St. Petersburg, July 24, 1914.

I had a telephone message this morning from M. Sazonof to the effect that the text of the Austrian ultimatum had just reached him.

His Excellency added that a reply within forty-eight hours was demanded, and he begged me to meet him at the French Embassy to discuss matters, as Austrian step clearly meant that war was imminent.

Minister for Foreign Affairs said that Austria's conduct was both provocative and immoral; she would never have taken such action unless Germany had first been consulted; some of her demands were quite impossible of acceptance. He hoped that His Majesty's Government would not fail to proclaim their solidarity with Russia and France.

The French Ambassador gave me to understand that France would fulfil all the obligations entailed by her alliance with Russia, if necessity arose, besides supporting Russia strongly in any diplomatic negotiations.

I said that I would telegraph a full report to you of what their Excellencies had just said to me. I could not, of course, speak in the name of His Majesty's Government, but personally I saw no reason to expect any declaration of solidarity from His Majesty's Government that would entail an unconditional engagement on their part to support Russia and France by force of arms. Direct British interests in Serbia were nil, and a war on behalf of that country would never be sanctioned by British public opinion. To this M. Sazonof replied that we must not forget that the general European question was involved, the Servian question being but

a part of the former, and that Great Britain could not afford to efface herself from the problems now at issue.

In reply to these remarks, I observed that I gathered from what he said that his Excellency was suggesting that Great Britain should join in making a communication to Austria to the effect that active intervention by her in the internal affairs of Serbia could not be tolerated. But supposing Austria nevertheless proceeded to embark on military measures against Serbia in spite of our representations, was it the intention of the Russian Government forthwith to declare war on Austria?

M. Sazonof said that he himself thought that Russian mobilisation would at any rate have to be carried out; but a council of Ministers was being held this afternoon to consider the whole question. A further council would be held, probably to-morrow, at which the Emperor would preside, when a decision would be come to.

I said that it seemed to me that the important point was to induce Austria to extend the time limit, and that the first thing to do was to bring an influence to bear on Austria with that end in view; French Ambassador, however, thought that either Austria had made up her mind to act at once or that she was bluffing. Whichever it might be, our only chance of averting war was for us to adopt a firm and united attitude. He did not think there was time to carry out my suggestion. Thereupon I said that it seemed to me desirable that we should know just how far Serbia was prepared to go to meet the demands formulated by Austria in her note. M. Sazonof replied that he must first consult his colleagues on this point, but that doubtless some of the Austrian demands could be accepted by Serbia.

French Ambassador and M. Sazonof both continued to press me for a declaration of complete solidarity of His Majesty's Government with French and Russian Governments, and I therefore said that it seemed to me possible that you might perhaps be willing to make strong representations to both German and Austrian Governments, urging upon them that an attack upon Austria by Serbia would endanger the whole peace of Europe. Perhaps you might see your way to saying to them that such action on the part of Austria would probably mean Russian intervention, which would involve France and Germany, and that it would be difficult for Great Britain to keep out if the war were to become general. M. Sazonof answered that we would sooner or later be dragged into war if it did break out; we should have rendered war more likely if we did not from the outset make common cause with his country and with France; at any rate, he hoped His Majesty's Government would express strong reprobation of action taken by Austria.

G. BUCHANAN.

No. 87. Sir Edward Grey to Sir F. Bertie, British Ambassador at Paris.

Foreign Office, July 29, 1914.

Sir,

After telling M. Cambon to-day how grave the situation seemed to be, I told him that I meant to tell the German Ambassador to-day that he must not be misled by the friendly tone of our conversations into any sense of false security that we should stand aside if all the efforts to preserve the peace, which we were now making in common with Germany,

failed. But I went on to say to M. Cambon that I thought it necessary to tell him also that public opinion here approached the present difficulty from a quite different point of view from that taken during the difficulty as to Morocco a few years ago. In the case of Morocco the dispute was one in which France was primarily interested, and in which it appeared that Germany, in an attempt to crush France, was fastening a quarrel on France on a question that was the subject of a special agreement between France and us. In the present case the dispute between Austria and Servia was not one in which we felt called to take a hand. Even if the question became one between Austria and Russia we should not feel called upon to take a hand in it. It would then be a question of the supremacy of Teuton or Slav—a struggle for supremacy in the Balkans; and our idea had always been to avoid being drawn into a war over a Balkan question. If Germany became involved and France became involved, we had not made up our minds what we should do; it was a case that we should have to consider. France would then have been drawn into a quarrel which was not hers, but in which, owing to her alliance, her honour and interest obliged her to engage. We were free from engagements, and we should have to decide what British interests required us to do. I thought it necessary to say that, because, as he knew, we were taking all precautions with regard to our fleet, and I was about to warn Prince Lichnowsky not to count on our standing aside, but it would not be fair that I should let M. Cambon be misled into supposing that this meant that we had decided what to do in a contingency that I still hoped might not arise.

M. Cambon said that I had explained the situation very clearly. He understood it to be that in a Balkan quarrel, and in a struggle for supremacy between Teuton and Slav we should not feel called to intervene; should other issues be raised, and Germany and France become involved, so that the question became one of the hegemony of Europe, we should then decide what it was necessary for us to do. He seemed quite prepared for this announcement, and made no criticism upon it.

He said French opinion was calm, but decided. He anticipated a demand from Germany that France would be neutral while Germany attacked Russia. This assurance France, of course, could not give; she was bound to help Russia if Russia was attacked.

E. GREY.

No. 88.* Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin.

Foreign Office, July 29, 1914.

Sir,

After speaking to the German Ambassador this afternoon about the European situation, I said that I wished to say to him, in a quite private and friendly way, something that was on my mind. The situation was very grave. While it was restricted to the issues at present actually involved we had no thought of interfering in it. But if Germany became involved in it, and then France, the issue might be so great that it would involve all European interests; and I did not wish him to be misled by the friendly tone of our conversation—which I hoped would continue—into thinking that we should stand aside.

* *Sic* in the French text, this should be *89*.

He said that he quite understood this, but he asked whether I meant that we should, under certain circumstances, intervene?

I replied that I did not wish to say that, or to use anything that was like a threat or an attempt to apply pressure by saying that, if things became worse, we should intervene. There would be no question of our intervening if Germany was not involved, or even if France was not involved. But we knew very well, that if the issue did become such that we thought British interests required us to intervene, we must intervene at once, and the decision would have to be very rapid, just as the decisions of other Powers had to be. I hoped that the friendly tone of our conversations would continue as at present, and that I should be able to keep as closely in touch with the German Government in working for peace. But if we failed in our efforts to keep the peace, and if the issue spread so that it involved practically every European interest, I did not wish to be open to any reproach from him that the friendly tone of all our conversations had misled him or his Government into supposing that we should not take action, and to the reproach that, if they had not been so misled, the course of things might have been different.

The German Ambassador took no exception to what I had said; indeed, he told me that it accorded with what he had already given in Berlin as his view of the situation.

E. GREY.

No. 99. Sir F. Bertie, British Ambassador at Paris, to
Sir Edward Grey.

Paris, July 30, 1914.

President of the Republic tells me that the Russian Government have been informed by the German Government that unless Russia stops her mobilisation Germany would mobilise. But a further report, since received from St. Petersburg, states that the German communication had been modified, and was now a request to be informed on what conditions Russia would consent to demobilisation. The answer given is that she agrees to do so on condition that Austria-Hungary gives an assurance that she will respect the sovereignty of Serbia and submit certain of the demands of the Austrian note, which Serbia has not accepted, to an international discussion.

President thinks that these conditions will not be accepted by Austria. He is convinced that peace between the Powers is in the hands of Great Britain. If His Majesty's Government announced that England would come to the aid of France in the event of a conflict between France and Germany as a result of the present differences between Austria and Serbia, there would be no war, for Germany would at once modify her attitude.

I explained to him how difficult it would be for His Majesty's Government to make such an announcement, but he said that he must maintain that it would be in the interests of peace. France, he said, is pacific. She does not desire war, and all that she has done at present is to make preparations for mobilisation so as not to be taken unawares. The French Government will keep His Majesty's Government informed of everything that may be done in that way. They have reliable information that the German troops are concentrated round Thionville and Metz ready for war. If there were a general war on the Continent it would inevitably draw

England into it for the protection of her vital interests. A declaration now of her intention to support France, whose desire it is that peace should be maintained, would almost certainly prevent Germany from going to war.

F. BERTIE.

No. 119. Sir Edward Grey to Sir F. Bertie, British Ambassador at Paris.

Foreign Office, July 31, 1914.

Sir,

M. Cambon referred to-day to a telegram that had been shown to Sir Arthur Nicolson this morning from the French Ambassador in Berlin, saying that it was the uncertainty with regard to whether we would intervene which was the encouraging element in Berlin, and that, if we would only declare definitely on the side of Russia and France, it would decide the German attitude in favour of peace.

I said that it was quite wrong to suppose that we had left Germany under the impression that we would not intervene. I had refused overtures to promise that we should remain neutral. I had not only definitely declined to say that we would remain neutral, I had even gone so far this morning as to say to the German Ambassador that, if France and Germany became involved in war, we should be drawn into it. That, of course, was not the same thing as taking an engagement to France, and I told M. Cambon of it only to show that we had not left Germany under the impression that we would stand aside.

M. Cambon then asked me for my reply to what he had said yesterday.

I said that we had come to the conclusion, in the Cabinet to-day, that we could not give any pledge at the present time. Though we should have to put our policy before Parliament, we could not pledge Parliament in advance. Up to the present moment, we did not feel, and public opinion did not feel, that any treaties or obligations of this country were involved. Further developments might alter this situation and cause the Government and Parliament to take the view that intervention was justified. The preservation of the neutrality of Belgium might be, I would not say a decisive, but an important factor, in determining our attitude. Whether we proposed to Parliament to intervene or not to intervene in a war, Parliament would wish to know how we stood with regard to the neutrality of Belgium, and it might be that I should ask both France and Germany whether each was prepared to undertake an engagement that she would not be the first to violate the neutrality of Belgium.

M. Cambon repeated his question whether we would help France if Germany made an attack on her.

I said that I could only adhere to the answer that, as far as things had gone at present, we could not take any engagement.

M. Cambon urged that Germany had from the beginning rejected proposals that might have made for peace. It could not be to England's interest that France should be crushed by Germany. We should then be in a very diminished position with regard to Germany. In 1870 we had made a great mistake in allowing an enormous increase of German strength, and we should now be repeating the mistake. He asked me whether I could not submit his question to the Cabinet again.

I said that the Cabinet would certainly be summoned as soon as there was some new development, but at the present moment the only answer I could give was that we could not undertake any definite engagement.

E. GREY.

**No. 143. Sir Edward Grey to Sir F. Bertie, British
Ambassador at Paris.**

Foreign Office, August 2, 1914.

After the Cabinet this morning I gave M. Cambon the following memorandum:—

"I am authorised to give an assurance that, if the German fleet comes into the Channel or through the North Sea to undertake hostile operations against French coasts or shipping, the British fleet will give all the protection in its power.

"This assurance is of course subject to the policy of His Majesty's Government receiving the support of Parliament, and must not be taken as binding His Majesty's Government to take any action until the above contingency of action by the German fleet takes place."

I pointed out that we had very large questions and most difficult issues to consider, and that Government felt that they could not bind themselves to declare war upon Germany necessarily if war broke out between France and Germany to-morrow, but it was essential to the French Government, whose fleet had long been concentrated in the Mediterranean, to know how to make their dispositions with their north coast entirely undefended. We therefore thought it necessary to give them this assurance. It did not bind us to go to war with Germany unless the German fleet took the action indicated, but it did give a security to France that would enable her to settle the disposition of her own Mediterranean fleet.

M. Cambon asked me about the violation of Luxemburg. I told him the doctrine on that point laid down by Lord Derby and Lord Clarendon in 1867. He asked me what we should say about the violation of the neutrality of Belgium. I said that was a much more important matter; we were considering what statement we should make in Parliament to-morrow—in effect, whether we should declare violation of Belgian neutrality to be a *casus belli*. I told him what had been said to the German Ambassador on this point.

E. GREY.

APPENDIX II

Extracts from the "Blue Book" relating to the Proposals made by the German Government to the English Government in order to obtain England's Neutrality.

No. 85. Sir E. Goschen, British Ambassador at Berlin, to Sir Edward Grey.

Berlin, July 29, 1914.

I was asked to call upon the Chancellor to-night. His Excellency had just returned from Potsdam.

He said that should Austria be attacked by Russia a European conflagration might, he feared, become inevitable, owing to Germany's obligations as Austria's ally, in spite of his continued efforts to maintain peace. He then proceeded to make the following strong bid for British neutrality. He said that it was clear, so far as he was able to judge the main principle which governed British policy, that Great Britain would never stand by and allow France to be crushed in any conflict there might be. That, however, was not the object at which Germany aimed. Provided that neutrality of Great Britain were certain, every assurance would be given to the British Government that the Imperial Government aimed at no territorial acquisitions at the expense of France should they prove victorious in any war that might ensue.

I questioned his Excellency about the French colonies, and he said that he was unable to give a similar undertaking in that respect. As regards Holland, however, his Excellency said that so long as Germany's adversaries respected the integrity and neutrality of the Netherlands, Germany was ready to give His Majesty's Government an assurance that she would do likewise. It depended upon the action of France what operations Germany might be forced to enter upon in Belgium, but when the war was over, Belgian integrity would be respected if she had not sided against Germany.

His Excellency ended by saying that ever since he had been Chancellor the object of his policy had been, as you were aware, to bring about an understanding with England; he trusted that these assurances might form the basis of that understanding which he so much desired. He had in mind a general neutrality agreement between England and Germany, though it was of course at the present moment too early to discuss details, and an assurance of British neutrality in the conflict which present crisis might possibly produce, would enable him to look forward to realisation of his desire.

In reply to his Excellency's enquiry how I thought his request would appeal to you, I said that I did not think it probable that at this stage of events you would care to bind yourself to any course of action and that I was of opinion that you would desire to retain full liberty.

E. GOSCHEN.

No. 101. Sir Edward Grey to Sir E. Goschen, British
Ambassador at Berlin.

Foreign Office, July 30, 1914.

His Majesty's Government cannot for a moment entertain the Chancellor's proposal that they should bind themselves to neutrality on such terms.

What he asks us in effect is to engage to stand by while French colonies are taken and France is beaten so long as Germany does not take French territory as distinct from the colonies.

From the material point of view such a proposal is unacceptable, for France, without further territory in Europe being taken from her, could be so crushed as to lose her position as a Great Power, and become subordinate to German policy.

Altogether apart from that, it would be a disgrace for us to make this bargain with Germany at the expense of France, a disgrace from which the good name of this country would never recover.

The Chancellor also in effect asks us to bargain away whatever obligation or interest we have as regards the neutrality of Belgium. We could not entertain that bargain either.

Having said so much it is unnecessary to examine whether the prospect of a future general neutrality agreement between England and Germany offered positive advantages sufficient to compensate us for tying our hands now. We must preserve our full freedom to act as circumstances may seem to us to require in any such unfavourable and regrettable development of the present crisis as the Chancellor contemplates.

You should speak to the Chancellor in the above sense, and add most earnestly that the one way of maintaining the good relations between England and Germany is that they should continue to work together to preserve the peace of Europe; if we succeed in this object, the mutual relations of Germany and England will, I believe, be *ipso facto* improved and strengthened. For that object His Majesty's Government will work in that way with all sincerity and goodwill.

And I will say this: If the peace of Europe can be preserved, and the present crisis safely passed, my own endeavour will be to promote some arrangement to which Germany could be a party, by which she could be assured that no aggressive or hostile policy would be pursued against her or her allies by France, Russia, and ourselves, jointly or separately. I have desired this and worked for it, as far as I could, through the last Balkan crisis, and, Germany having a corresponding object, our relations sensibly improved. The idea has hitherto been too Utopian to form the subject of definite proposals, but if this present crisis, so much more acute than any that Europe has gone through for generations, be safely passed, I am hopeful that the relief and reaction which will follow may make possible some more definite rapprochement between the Powers than has been possible hitherto.

E. GREY.

**No. 123. Sir Edward Grey to Sir E. Goschen, British
Ambassador at Berlin.**

Sir, Foreign Office, August 1, 1914.

I told the German Ambassador to-day that the reply of the German Government with regard to the neutrality of Belgium was a matter of very great regret, because the neutrality of Belgium affected feeling in this country. If Germany could see her way to give the same assurance as that which had been given by France it would materially contribute to relieve anxiety and tension here. On the other hand, if there were a violation of the neutrality of Belgium by one combatant while the other respected it, it would be extremely difficult to restrain public feeling in this country. I said that we had been discussing this question at a Cabinet meeting, and as I was authorised to tell him this I gave him a memorandum of it.

He asked me whether, if Germany gave a promise not to violate Belgium neutrality we would engage to remain neutral.

I replied that I could not say that; our hands were still free, and we were considering what our attitude should be. All I could say was that our attitude would be determined largely by public opinion here, and that the neutrality of Belgium would appeal very strongly to public opinion here. I did not think that we could give a promise of neutrality on that condition alone.

The Ambassador pressed me as to whether I could not formulate conditions on which we would remain neutral. He even suggested that the integrity of France and her colonies might be guaranteed.

I said that I felt obliged to refuse definitely any promise to remain neutral on similar terms, and I could only say that we must keep our hands free.

E. GREY.

APPENDIX II. (b).

**German attempts to obtain, on the Plea of a "Misunderstanding,"
a Guarantee by England of the neutrality of France in
a German-Russian War.**

*(Semi-official publication in the "Norddeutsche Allgemeine Zeitung,"
August 20, 1914.)*

**No. 1. Prince Lichnowsky, German Ambassador at London, to Herr
von Bethmann-Hollweg, Chancellor of the German Empire.**

London, July 31, 1914.

Sir Edward Grey has just called me to the telephone and asked me if I thought I could say that we would not attack France if she remained neutral in a German-Russian war. I said I thought I could assume responsibility for this.

LICHNOWSKY.

No. 2. Telegram from the Emperor William to King George V.

Berlin, August 1, 1914.

I have just received the communication from your Government offering me the neutrality of France under the guarantee of Great Britain. This offer was accompanied by the question whether, in these circumstances, Germany would not attack France. For technical reasons my mobilisation, which has been ordered for both fronts, East and West, this afternoon, must be carried out in accordance with preparations already begun.

Orders countermanding this cannot be given and unfortunately your telegram came too late. But if France offers her neutrality, which must be guaranteed by the English navy and army, I will refrain from attacking her and will use my troops elsewhere. I hope that France will not be nervous. At this moment the troops on my frontier are stopped by telegraphic and telephonic orders from continuing their advance over the French frontier.

WILLIAM.

No. 3. Herr von Bethmann-Hollweg, Chancellor of the Empire, to Prince Lichnowsky, German Ambassador at London.

Berlin, August 1, 1914.

Germany is ready to agree to the English proposals if England will guarantee, with her military and naval forces, the neutrality of France in the Russo-German conflict. German mobilisation took place to-day, in reply to Russian provocation, and before the receipt of the English proposals. Consequently our concentration on the French frontier cannot be modified. We guarantee, however, that between now and Monday, August 3, at 7 p.m., the French frontier shall not be crossed if England's acceptance has reached us by that time.

BETHMANN-HOLLWEG.

No. 4. Telegram from King George V. to the Emperor William.

London, August 1, 1914.

In reply to your telegram which has just reached me, I think there has been a misunderstanding with regard to the suggestion made during the course of a friendly conversation between Prince Lichnowsky and Sir Edward Grey, when they were discussing how an armed conflict between Germany and France might be delayed until a means of agreement between Austria-Hungary and Russia had been found. Sir Edward Grey will see Prince Lichnowsky to-morrow morning to make it clear that there has certainly been misunderstanding on the part of the latter.

GEORGE.

No. 5. Prince Lichnowsky, German Ambassador at London, to Herr von Bethmann-Hollweg, Chancellor of the German Empire.

London, August 2, 1914.

Sir Edward Grey's suggestions, founded on England's wish to remain neutral, were made without previous agreement with France, and have since been abandoned as useless.

LICHNOWSKY.

APPENDIX III.

Extracts from the "Blue Book" relating to England's refusal to admit the German point of view on the question of the violation of Belgian neutrality.

No. 153. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin.

Foreign Office, August 4, 1914.

The King of the Belgians has made an appeal to His Majesty the King for diplomatic intervention on behalf of Belgium in the following terms:—

"Remembering the numerous proofs of Your Majesty's friendship and that of your predecessor, and the friendly attitude of England in 1870 and the proof of friendship you have just given us again, I make a supreme appeal to the diplomatic intervention of Your Majesty's Government to safeguard the integrity of Belgium."

His Majesty's Government are also informed that the German Government have delivered to the Belgian Government a note proposing friendly neutrality entailing free passage through Belgian territory, and promising to maintain the independence and integrity of the Kingdom and its possessions at the conclusion of peace, threatening in case of refusal to treat Belgium as an enemy. An answer was requested within twelve hours.

We also understand that Belgium has categorically refused this as a flagrant violation of the law of nations.

His Majesty's Government are bound to protest against this violation of a treaty to which Germany is a party in common with themselves, and must request an assurance that the demand made upon Belgium will not be proceeded with and that her neutrality will be respected by Germany. You should ask for an immediate reply.

E. GREY.

No. 155. Sir Edward Grey to Sir F. Villiers, British Minister at Brussels.

Foreign Office, August 4, 1914.

You should inform Belgian Government that if pressure is applied to them by Germany to induce them to depart from neutrality, His Majesty's Government expect that they will resist by any means in their power, and that His Majesty's Government will support them in offering such resistance, and that His Majesty's Government in this event are prepared to join Russia and France, if desired, in offering to the Belgian Government at once common action for the purpose of resisting use of force by Germany against them, and a guarantee to maintain their independence and integrity in future years.

E. GREY.

No. 157. German Foreign Secretary to Prince Lichnowsky, German Ambassador at London.

(Communicated by German Embassy, August 4.)

Berlin, August 4, 1914.

Please dispel any mistrust that may subsist on the part of the British Government with regard to our intentions, by repeating most positively formal assurance that, even in the case of armed conflict with Belgium, Germany will, under no pretence whatever, annex Belgian territory. Sincerity of this declaration is borne out by fact that we solemnly pledged our word to Holland strictly to respect her neutrality. It is obvious *that we could not profitably annex Belgian territory without making at the same time territorial acquisitions at expense of Holland.* Please impress upon Sir E. Grey that German army could not be exposed to French attack across Belgium, which was planned according to absolutely unimpeachable information. Germany had consequently to disregard Belgian neutrality, it being for her a question of life or death to prevent French advance.

JAGOW.

No. 159. Sir Edward Grey to Sir E. Goschen, British Ambassador at Berlin.

Foreign Office, August 4, 1914.

We hear that Germany has addressed note to Belgian Minister for Foreign Affairs stating that German Government will be compelled to carry out, if necessary, by force of arms, the measures considered indispensable.

We are also informed that Belgian territory has been violated at Gemmenich.

In these circumstances, and in view of the fact that Germany declined to give the same assurance respecting Belgium as France gave last week in reply to our request made simultaneously at Berlin and Paris, we must repeat that request, and ask that a satisfactory reply to it and to my telegram of this morning be received here by 12 o'clock to-night. If not, you are instructed to ask for your passports, and to say that His Majesty's Government feel bound to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany is as much a party as ourselves.

E. GREY.

No. 160. Sir E. Goschen to Sir Edward Grey.

London, August 8, 1914.

Sir,

In accordance with the instructions contained in your telegram of the 4th instant I called upon the Secretary of State that afternoon and inquired, in the name of His Majesty's Government, whether the Imperial Government would refrain from violating Belgian neutrality. Herr von Jagow at once replied that he was sorry to say that his answer must be "No," as, in consequence of the German troops having crossed the frontier that morning, Belgian neutrality had been already violated. Herr von Jagow again went into the reasons why the Imperial Government had been

obliged to take this step, namely, that they had to advance into France by the quickest and easiest way, so as to be able to get well ahead with their operations and endeavour to strike some decisive blow as early as possible. It was a matter of life and death for them, as if they had gone by the more southern route they could not have hoped, in view of the paucity of roads and the strength of the fortresses, to have got through without formidable opposition entailing great loss of time. This loss of time would have meant time gained by the Russians for bringing up their troops to the German frontier. Rapidity of action was the great German asset, while that of Russia was an inexhaustible supply of troops. I pointed out to Herr von Jagow that this *fait accompli* of the violation of the Belgian frontier rendered, as he would readily understand, the situation exceedingly grave, and I asked him whether there was not still time to draw back and avoid possible consequences, which both he and I would deplore. He replied that, for the reasons he had given me, it was now impossible for them to draw back.

During the afternoon I received your further telegram of the same date, and, in compliance with the instructions therein contained, I again proceeded to the Imperial Foreign Office and informed the Secretary of State that unless the Imperial Government could give the assurance by 12 o'clock that night that they would proceed no further with their violation of the Belgian frontier and stop their advance, I had been instructed to demand my passports and inform the Imperial Government that His Majesty's Government would have to take all steps in their power to uphold the neutrality of Belgium and the observance of a treaty to which Germany was as much a party as themselves.

Herr von Jagow replied that to his great regret he could give no other answer than that which he had given me earlier in the day, namely, that the safety of the Empire rendered it absolutely necessary that the Imperial troops should advance through Belgium. I gave his Excellency a written summary of your telegram and, pointing out that you had mentioned 12 o'clock as the time when His Majesty's Government would expect an answer, asked him whether, in view of the terrible consequences which would necessarily ensue, it were not possible even at the last moment that their answer should be reconsidered. He replied that if the time given were even twenty-four hours or more, his answer must be the same. I said that in that case I should have to demand my passports. This interview took place at about 7 o'clock. In a short conversation which ensued Herr von Jagow expressed his poignant regret at the crumbling of his entire policy and that of the Chancellor, which had been to make friends with Great Britain, and then, through Great Britain, to get closer to France. I said that this sudden end to my work in Berlin was to me also a matter of deep regret and disappointment, but that he must understand that under the circumstances and in view of our engagements, His Majesty's Government could not possibly have acted otherwise than they had done.

I then said that I should like to go and see the Chancellor, as it might be, perhaps, the last time I should have an opportunity of seeing him. He begged me to do so. I found the Chancellor very agitated. His Excellency at once began a harangue, which lasted for about twenty minutes. He said that the step taken by His Majesty's Government was terrible to a degree; just for a word—"neutrality," a word which in war time had so often been disregarded—just for a scrap of paper Great Britain was going to make war on a kindred nation who desired nothing better

than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, and said that, in the same way as he and Herr von Jagow wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of "life and death" for the honour of Great Britain that she should keep her solemn engagement to do her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future? The Chancellor said, "But at what price will that compact have been kept. Has the British Government thought of that?" I hinted to his Excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his Excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason that I refrained from adding fuel to the flame by further argument. As I was leaving he said that the blow of Great Britain joining Germany's enemies was all the greater that almost up to the last moment he and his Government had been working with us and supporting our efforts to maintain peace between Austria and Russia. I said that this was part of the tragedy which saw the two nations fall apart just at the moment when the relations between them had been more friendly and cordial than they had been for years. Unfortunately, notwithstanding our efforts to maintain peace between Russia and Austria, the war had spread and had brought us face to face with a situation which, if we held to our engagements, we could not possibly avoid, and which unfortunately entailed our separation from our late fellow-workers. He would readily understand that no one regretted this more than I.

After this somewhat painful interview I returned to the embassy and drew up a telegraphic report of what had passed. This telegram was handed in at the Central Telegraph Office a little before 9 p.m. It was accepted by that office, but apparently never despatched.

At about 9.30 p.m. Herr von Zimmermann, the Under-Secretary of State, came to see me. After expressing his deep regret that the very friendly official and personal relations between us were about to cease, he asked me casually whether a demand for passports was equivalent to a declaration of war. I said that such an authority on international law as he was known to be must know as well or better than I what was usual in such cases. I added that there were many cases where diplomatic relations had been broken off, and, nevertheless, war had not ensued; but that in this case he would have seen from my instructions, of which I had given Herr von Jagow a written summary, that His Majesty's Government expected an answer to a definite question by 12 o'clock that night and that in default of a satisfactory answer they would be forced to take such steps as their engagements required. Herr Zimmermann said that that was, in fact, a declaration of war, as the Imperial Government could not possibly give the assurance required either that night or any other night.

E. GOSCHEN.

APPENDIX IV.

Extracts from the "Grey Book" pointing out the Conditions under which Germany violated Belgian Neutrality.

No. 2. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg.

Brussels, July 24, 1914.

Sir,

The Belgian Government have had under their consideration whether, in present circumstances, it would not be advisable to address to the Powers who guarantee Belgian independence and neutrality a communication assuring them of Belgium's determination to fulfil the international obligations imposed upon her by treaty in the event of a war breaking out on her frontiers.

The Government have come to the conclusion that such a communication would be premature at present, but that events might move rapidly and not leave sufficient time to forward suitable instructions at the desired moment to the Belgian representatives abroad.

In these circumstances I have proposed to the King and to my colleagues in the Cabinet, who have concurred, to give you now exact instructions as to the steps to be taken by you if the prospect of a Franco-German war became more threatening.

I enclose herewith a note, signed but not dated, which you should read to the Minister for Foreign Affairs and of which you should give him a copy, if circumstances render such a communication necessary.

I will inform you by telegram when you are to act on these instructions.

This telegram will be despatched when the order is given for the mobilisation of the Belgian army if, contrary to our earnest hope and to the apparent prospect of a peaceful settlement, our information leads us to take this extreme measure of precaution.

DAVIGNON.

Enclosure in No. 2.

Sir,

The international situation is serious, and the possibility of a war between several Powers naturally preoccupies the Belgian Government.

Belgium has most scrupulously observed the duties of a neutral State imposed upon her by the treaties of April 19, 1839; and those duties she will strive unflinchingly to fulfil, whatever the circumstances may be.

The friendly feelings of the Powers towards her have been so often reaffirmed that Belgium confidently expects that her territory will remain free from any attack, should hostilities break out upon her frontiers.

All necessary steps to ensure respect of Belgian neutrality have nevertheless been taken by the Government. The Belgian army has been mobilised and is taking up such strategic positions as have been chosen to

secure the defence of the country and the respect of its neutrality. The forts of Antwerp and on the Meuse have been put in a state of defence.

It is scarcely necessary to dwell upon the nature of these measures. They are intended solely to enable Belgium to fulfil her international obligations; and it is obvious that they neither have been nor can have been undertaken with any intention of taking part in an armed struggle between the Powers or from any feeling of distrust of any of those Powers.

In accordance with my instructions, I have the honour to communicate to your Excellency a copy of the declaration by the Belgian Government, and to request that you will be good enough to take note of it.

A similar communication has been made to the other Powers guaranteeing Belgian neutrality.

No. 8. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris, London, Vienna, St. Petersburg, Rome, The Hague, and Luxemburg.

Brussels, July 29, 1914.

Sir,

The Belgian Government have decided to place the army upon a strengthened peace footing.

This step should in no way be confused with mobilisation.

Owing to the small extent of her territory, all Belgium consists, in some degree, of a frontier zone. Her army on the ordinary peace footing consists of only one class of armed militia; on the strengthened peace footing, owing to the recall of three classes, her army divisions and her cavalry division comprise effective units of the same strength as those of the corps permanently maintained in the frontier zones of the neighbouring Powers.

This information will enable you to reply to any questions which may be addressed to you.

DAVIGNON.

No. 9. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris, and London.

Brussels, July 31, 1914.

Sir,

The French Minister came to show me a telegram from the Agence Havas reporting a state of war in Germany, and said:—

"I seize this opportunity to declare that no incursion of French troops into Belgium will take place, even if considerable forces are massed upon the frontiers of your country. France does not wish to incur the responsibility, so far as Belgium is concerned, of taking the first hostile act. Instructions in this sense will be given to the French authorities."

I thanked M. Klobukowski for his communication, and I felt bound to observe that we had always had the greatest confidence in the loyal observance by both our neighbouring States of their engagements towards us. We have also every reason to believe that the attitude of the German Government will be the same as that of the Government of the French Republic.

DAVIGNON.

No. 11. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, London, and Paris.

Brussels, July 31, 1914.

Sir,

The British Minister asked to see me on urgent business, and made the following communication, which he had hoped for some days to be able to present to me: Owing to the possibility of a European war, Sir Edward Grey has asked the French and German Governments separately if they were each of them ready to respect Belgian neutrality provided that no other Power violated it:—

"In view of existing treaties, I am instructed to inform the Belgian Minister for Foreign Affairs of the above, and to say that Sir Edward Grey presumes that Belgium will do her utmost to maintain her neutrality, and that she desires and expects that the other Powers will respect and maintain it."

I hastened to thank Sir Francis Villiers for this communication, which the Belgian Government particularly appreciate, and I added that Great Britain and the other nations guaranteeing our independence could rest assured that we would neglect no effort to maintain our neutrality, and that we were convinced that the other Powers, in view of the excellent relations of friendship and confidence which had always existed between us, would respect and maintain that neutrality.

I did not fail to state that our military forces, which had been considerably developed in consequence of our recent reorganisation, were sufficient to enable us to defend ourselves energetically in the event of the violation of our territory.

In the course of the ensuing conversation, Sir Francis seemed to me somewhat surprised at the speed with which we had decided to mobilise our army. I pointed out to him that the Netherlands had come to a similar decision before we had done so, and that, moreover, the recent date of our new military system, and the temporary nature of the measures upon which we then had to decide, made it necessary for us to take immediate and thorough precautions. Our neighbors and guarantors should see in this decision our strong desire to uphold our neutrality ourselves.

Sir Francis seemed to be satisfied with my reply, and stated that his Government were awaiting this reply before continuing negotiations with France and Germany, the result of which would be communicated to me.

DAVIGNON.

No 12. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, London, and Paris.

Brussels, July 31, 1914.

Sir,

In the course of the conversation which the Secretary-General of my Department had with Herr von Below this morning, he explained to the German Minister the scope of the military measures which we had taken, and said to him that they were a consequence of our desire to fulfil our international obligations, and that they in no wise implied an attitude of distrust towards our neighbours.

The Secretary-General then asked the German Minister if he knew of

the conversation which he had had with his predecessor, Herr von Flotow, and of the reply which the Imperial Chancellor had instructed the latter to give.

In the course of the controversy which arose in 1911 as a consequence of the Dutch scheme for the fortification of Flushing, certain newspapers had maintained that in the case of a Franco-German war Belgian neutrality would be violated by Germany.

The Department of Foreign Affairs had suggested that a declaration in the German Parliament during a debate on foreign affairs would serve to calm public opinion, and to dispel the mistrust which was so regrettable from the point of view of the relations between the two countries.

Herr von Bethmann-Hollweg replied that he had fully appreciated the feelings which had inspired our representations. He declared that Germany had no intention of violating Belgian neutrality, but he considered that in making a public declaration Germany would weaken her military position in regard to France, who, secured on the northern side, would concentrate all her energies on the east.

Baron van der Elst, continuing, said that he perfectly understood the objections raised by Herr von Bethmann-Hollweg to the proposed public declaration, and he recalled the fact that since then, in 1913, Herr von Jagow had made reassuring declarations to the Budget Commission of the Reichstag respecting the maintenance of Belgian neutrality.

Herr von Below replied that he knew of the conversation with Herr von Flotow, and that he was certain that the sentiments expressed at that time had not changed.

DAVIGNON.

Enclosure in No. 12.

The Belgian Minister at Berlin to M. Davignon, Belgian Minister for Foreign Affairs.

Berlin, May 2, 1913.

Sir,

I have the honour to bring to your notice the declarations respecting Belgian neutrality, as published in the semi-official "Norddeutsche Allgemeine Zeitung," made by the Secretary of State and the Minister of War, at the meeting of the Budget Committee of the Reichstag on April 29th:—

"A member of the Social Democrat Party said: 'The approach of a war between Germany and France is viewed with apprehension in Belgium, for it is feared that Germany will not respect the neutrality of Belgium.'

"Herr von Jagow, Secretary of State, replied: 'Belgian neutrality is provided for by International Conventions and Germany is determined to respect those Conventions.'

"This declaration did not satisfy another member of the Social Democrat Party. Herr von Jagow said that he had nothing to add to the clear statement he had made respecting the relations between Germany and Belgium.

"In answer to fresh enquiries by a member of the Social Democrat Party, Herr von Heeringen, the Minister of War, replied: 'Belgium plays no part in the causes which justify the proposed

reorganisation of the German military system. That proposal is based on the situation on the East. Germany will not lose sight of the fact that the neutrality of Belgium is guaranteed by international treaty.'

"A member of the Progressive Party having once again spoken of Belgium, Herr von Jagow repeated that this declaration in regard to Belgium was sufficiently clear."

BARON BEYENS.

No. 13. Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs.

(Telegram.)

London, August 1, 1914.

Great Britain has asked France and Germany separately if they intend to respect Belgian territory in the event of its not being violated by their adversary. Germany's reply is awaited. France has replied in the affirmative.

No. 14. Baron Beyens, Belgian Minister at Berlin, to M. Davignon, Minister for Foreign Affairs.

(Telegram.)

Berlin, August 1, 1914.

The British Ambassador has been instructed to inquire of the Minister for Foreign Affairs whether, in the event of war, Germany would respect Belgian neutrality, and I understand that the Minister replied that he was unable to answer the question.

No. 15. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Berlin, Paris and London.

Brussels, August 1, 1914.

Sir,

I have the honour to inform you that the French Minister has made the following verbal communication to me:—

"I am authorised to declare that, in the event of an international war, the French Government, in accordance with the declarations they have always made, will respect the neutrality of Belgium. In the event of this neutrality not being respected by another Power, the French Government, to secure their own defence, might find it necessary to modify their attitude."

I thanked his Excellency and added that we on our side had taken without delay all the measures necessary to ensure that our independence and our frontiers should be respected.

DAVIGNON.

No. 19. M. Davignon, Belgian Minister for Foreign Affairs, to Belgian Ministers at Paris, Berlin, London, Vienna, and St. Petersburg.

Brussels, August 2, 1914.

Sir,

I was careful to warn the German Minister through M. de Bassompierre that an announcement in the Brussels press by M. Klobukowski, French Minister, would make public the formal declaration which the latter had made to me on the 1st August. When I next met Herr von Below he

thanked me for this attention, and added that up to the present he had not been instructed to make us an official communication, but that we knew his personal opinion as to the feelings of security, which we had the right to entertain towards our eastern neighbours. I at once replied that all that we knew of their intentions, as indicated in numerous previous conversations, did not allow us to doubt their perfect correctness towards Belgium. I added, however, that we should attach the greatest importance to the possession of a formal declaration, which the Belgian nation would hear of with joy and gratitude.

DAVIGNON.

No. 20. Note presented by Herr von Below Saleske, German Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs.

Brussels, August 2, 1914.

Reliable information has been received by the German Government to the effect that French forces intend to march on the line of the Meuse by Givet and Namur. This information leaves no doubt as to the intention of France to march through Belgian territory against Germany.

The German Government cannot but fear that Belgium, in spite of the utmost goodwill, will be unable, without assistance, to repel so considerable a French invasion with sufficient prospect of success to afford an adequate guarantee against danger to Germany. It is essential for the self-defence of Germany that she should anticipate any such hostile attack. The German Government would, however, feel the deepest regret if Belgium regarded as an act of hostility against herself the fact that the measures of Germany's opponents force Germany, for her own protection, to enter Belgian territory.

In order to exclude any possibility of misunderstanding, the German Government make the following declaration:—

1. Germany has in view no act of hostility against Belgium. In the event of Belgium being prepared in the coming war to maintain an attitude of friendly neutrality towards Germany, the German Government bind themselves, at the conclusion of peace, to guarantee the possessions and independence of the Belgian Kingdom in full.

2. Germany undertakes, under the above-mentioned condition, to evacuate Belgian territory on the conclusion of peace.

3. If Belgium adopts a friendly attitude, Germany is prepared, in co-operation with the Belgian authorities, to purchase all necessities for her troops against a cash payment, and to pay an indemnity for any damage that may have been caused by German troops.

4. Should Belgium oppose the German troops, and in particular should she throw difficulties in the way of their march by a resistance of the fortresses on the Meuse, or by destroying railways, roads, tunnels, or other similar works, Germany will, to her regret, be compelled to consider Belgium as an enemy.

In this event, Germany can undertake no obligations towards Belgium, but the eventual adjustment of the relations between the two States must be left to the decision of arms. The German Government, however, entertain the distinct hope that this eventuality will not occur, and that the Belgian Government will know how to take the necessary measures to pre-

vent the occurrence of incidents such as those mentioned. In this case the friendly ties which bind the two neighbouring States will grow stronger and more enduring.

No. 22. Note communicated by M. Davignon, Belgian Minister for Foreign Affairs, to Herr von Below Saleske, German Minister.

Brussels, August 3, 1914 (7 a.m.)

The German Government stated in their note of the 2nd August, 1914, that according to reliable information French forces intended to march on the Meuse via Givet and Namur, and that Belgium, in spite of the best intentions, would not be in a position to repulse, without assistance, an advance of French troops.

The German Government, therefore, consider themselves compelled to anticipate this attack and to violate Belgian territory. In these circumstances, Germany proposed to the Belgian Government to adopt a friendly attitude towards her, and undertook, on the conclusion of peace, to guarantee the integrity of the Kingdom and its possessions to their full extent. The note added that if Belgium put difficulties in the way of the advance of German troops, Germany would be compelled to consider her as an enemy, and to leave the ultimate adjustment of the relations between the two States to the decision of arms.

This note has made a deep and painful impression upon the Belgian Government.

The intentions attributed to France by Germany are in contradiction to the formal declarations made to us on August 1, in the name of the French Government.

Moreover, if contrary to our expectation, Belgian neutrality should be violated by France, Belgium intends to fulfil her international obligations and the Belgian army would offer the most vigorous resistance to the invader.

The treaties of 1839, confirmed by the treaties of 1870, vouch for the independence and neutrality of Belgium under the guarantee of the Powers, and notably of the Government of His Majesty the King of Prussia.

Belgium has always been faithful to her international obligations, she has carried out her duties in a spirit of loyal impartiality, and she has left nothing undone to maintain and enforce respect for her neutrality.

The attack upon her independence with which the German Government threaten her constitutes a flagrant violation of international law. No strategic interest justifies such a violation of law.

The Belgian Government, if they were to accept the proposals submitted to them, would sacrifice the honour of the nation and betray their duty towards Europe.

Conscious of the part which Belgium has played for more than eighty years in the civilisation of the world, they refuse to believe that the independence of Belgium can only be preserved at the price of the violation of her neutrality.

If this hope is disappointed the Belgian Government are firmly resolved to repel, by all the means in their power, every attack upon their rights.

DAVIGNON.

**No. 27. Herr von Below Saleske, German Minister, to M. Davignon,
Belgian Minister for Foreign Affairs.**

Brussels, August 4, 1914 (6 a.m.)

Sir,

In accordance with my instructions, I have the honour to inform your Excellency that in consequence of the refusal of the Belgian Government to entertain the well-intentioned proposals made to them by the German Government, the latter, to their deep regret, find themselves compelled to take—if necessary by force of arms—those measures of defence already foreshadowed as indispensable, in view of the menace of France.

VON BELOW.

**No. 28. Note communicated by Sir Francis H. Villiers, British Minister
at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs.**

Brussels, August 4, 1914.

I am instructed to inform the Belgian Government that if Germany brings pressure to bear upon Belgium with the object of forcing her to abandon her attitude of neutrality, His Britannic Majesty's Government expect Belgium to resist with all the means at her disposal.

In that event, His Britannic Majesty's Government are prepared to join Russia and France, should Belgium so desire, in tendering at once joint assistance to the Belgian Government with a view to resisting any forcible measures adopted by Germany against Belgium, and also offering a guarantee for the maintenance of the future independence and integrity of Belgium.

FRANCIS H. VILLIERS.

**No. 30. M. Davignon, Belgian Minister for Foreign Affairs, to Belgian
Ministers at London and Paris.**

(Telegram.)

Brussels, August 4, 1914.

The General Staff announces that Belgian territory has been violated at Gemmenich.

DAVIGNON.

**No. 31. M. Davignon, Belgian Minister for Foreign Affairs, to Herr von
Below Saleske, German Minister.**

Brussels, August 4, 1914.

Sir,

I have the honour to inform your Excellency that from to-day the Belgian Government are unable to recognise your diplomatic status and cease to have official relations with you. Your Excellency will find enclosed the passports necessary for your departure with the staff of the legation.

DAVIGNON.

**No. 35. Baron Beyens, Belgian Minister at Berlin, to M. Davignon,
Belgian Minister for Foreign Affairs.**

Berlin, August 4, 1914.

Sir,

I have the honour to transmit to you herewith a translation of part of the speech made to-day in the Reichstag by the Imperial Chancellor on the subject of the infamous violation of Belgian neutrality:—

“We are in a state of legitimate defence and necessity knows no law.

“Our troops have occupied Luxemburg and have perhaps already entered Belgium. This is contrary to the dictates of international law. France has, it is true, declared at Brussels that she was prepared to respect the neutrality of Belgium so long as it was respected by her adversary. But we knew that France was ready to invade Belgium. France could wait; we could not. A French attack upon our flank in the region of the Lower Rhine might have been fatal. We were, therefore, compelled to ride roughshod over the legitimate protests of the Governments of Luxemburg and Belgium. For the wrong which we are thus doing, we will make reparation as soon as our military object is attained.

“Anyone in such grave danger as ourselves, and who is struggling for his supreme welfare, can only be concerned with the means of extricating himself; we stand side by side with Austria.”

It is noteworthy that Herr von Bethmann-Hollweg recognises, without the slightest disguise, that Germany is violating international law by her invasion of Belgian territory and that she is committing a wrong against us.

BEYENS.

**No. 39. Count de Lalaing, Belgian Minister at London, to M. Davignon,
Belgian Minister for Foreign Affairs.**

(Telegram.)

London, August 4, 1914.

Great Britain this morning called upon Germany to respect Belgian neutrality. The ultimatum says that whereas the note addressed by Germany to Belgium threatens the latter with an appeal to the force of arms if she opposes the passage of German troops; and whereas Belgian territory has been violated at Gemmenich; and whereas Germany has refused to give Great Britain a similar assurance to that given last week by France; therefore Great Britain must once again demand a satisfactory reply on the subject of the respect of Belgian neutrality and of the treaty to which Germany, no less than Great Britain, is a signatory. The ultimatum expires at midnight.

In consequence of the British ultimatum to Germany, the British proposal which I telegraphed to you is cancelled for the time being.

COUNT DE LALAING.

No. 40. M. Davignon, Belgian Minister for Foreign Affairs, to British, French, and Russian Ministers at Brussels.

Brussels, August 4, 1914.

Sir,

The Belgian Government regret to have to announce to your Excellency that this morning the armed forces of Germany entered Belgian territory in violation of treaty engagements.

The Belgian Government are firmly determined to resist by all the means in their power.

Belgium appeals to Great Britain, France, and Russia to co-operate as guaranteeing powers in the defence of her territory.

There should be concerted and joint action, to oppose the forcible measures taken by Germany against Belgium, and, at the same time, to guarantee the future maintenance of the independence and integrity of Belgium.

Belgium is happy to be able to declare that she will undertake the defence of her fortified places.

DAVIGNON.

No. 41. Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs.

(Telegram.)

London, August 5, 1914.

Germany, having rejected the British proposals, Great Britain has informed her that a state of war existed between the two countries as from 11 o'clock.

COUNT DE LALAING.

No. 44. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Heads of Missions in all Countries having Diplomatic Relations with Belgium.

Brussels, August 5, 1914.

Sir,

By the treaty of April 18th, 1839, Prussia, France, Great Britain, Austria, and Russia declared themselves guarantors of the treaty concluded on the same day between His Majesty the King of the Belgians and His Majesty the King of the Netherlands. The treaty runs: "Belgium shall form a State independent and perpetually neutral." Belgium has fulfilled all her international obligations, she has accomplished her duty in a spirit of loyal impartiality, she has neglected no effort to maintain her neutrality and to cause that neutrality to be respected.

In these circumstances the Belgian Government have learnt with deep pain that the armed forces of Germany, a Power guaranteeing Belgian neutrality, have entered Belgian territory in violation of the obligations undertaken by treaty.

It is our duty to protest with indignation against an outrage against international law provoked by no act of ours.

The Belgian Government are firmly determined to repel by all the means in their power the attack thus made upon their neutrality, and they recall the fact that, in virtue of Article 10 of The Hague Convention of 1907

respecting the rights and duties of neutral Powers and persons in the case of war by land, if a neutral Power repels, even by force, attacks on her neutrality such action cannot be considered as a hostile act.

I have to request that you will ask at once for an audience with the Minister for Foreign Affairs and read this despatch to his Excellency, handing him a copy. If the interview cannot be granted at once you should make the communication in question in writing.

DAVIGNON.

No. 48. Communication of August 5, from Sir Francis Villiers, British Minister at Brussels, to M. Davignon, Belgian Minister for Foreign Affairs.

I am instructed to inform the Belgian Government that His Britannic Majesty's Government consider joint action with a view to resisting Germany to be in force and to be justified by the Treaty of 1839.

No. 52. M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris, London, and St. Petersburg.

Brussels, August 5, 1914.

Sir,

I have the honour to inform you that the French and Russian Ministers made a communication to me this morning informing me of the willingness of their Governments to respond to our appeal, and to co-operate with Great Britain in the defence of Belgian territory.

DAVIGNON.

No. 60. Baron Fallon, Belgian Minister at The Hague, to M. Davignon, Belgian Minister for Foreign Affairs.

(Telegram.)

The Hague, August 9, 1914.

The Netherlands Minister for Foreign Affairs has begged me to convey to you the following information, the United States Minister at Brussels having declined to do so:—

"The fortress of Liège has been taken by assault after a brave defence. The German Government most deeply regret that bloody encounters should have resulted from the attitude of the Belgian Government towards Germany. Germany is not coming as an enemy into Belgium, it is only through the force of circumstances that she had, owing to the military measures of France, to take the grave decision of entering Belgium and occupying Liège as a base for her further military operations. Now that the Belgian army has upheld the honour of its arms by its heroic resistance to a very superior force, the German Government beg the King of the Belgians and the Belgian Government to spare Belgium the further horrors of war. The German Government are ready for any compact with Belgium which can be reconciled with their arrangements with France. Germany once more gives her solemn assurance that it is not her intention to appropriate Belgian territory to herself and that such an intention is far

from her thoughts. Germany is still ready to evacuate Belgium as soon as the state of war will allow her to do so."

The United States Ambassador had asked his colleague to undertake this attempt at mediation. The Minister for Foreign Affairs has accepted this mission without enthusiasm. I have undertaken it to oblige him.

BARON FALLON.

No. 71. M. Davignon, Belgian Minister for Foreign Affairs, to Baron Fallon, Belgian Minister at The Hague.

(Telegram.)

Brussels, August 12, 1914.

Please communicate the following telegram to the Netherlands Minister for Foreign Affairs:—

"The proposal made to us by the German Government repeats the proposal which was formulated in the ultimatum of August 2nd. Faithful to her international obligations, Belgium can only reiterate her reply to that ultimatum, the more so as since August 3rd, her neutrality has been violated, a distressing war has been waged on her territory, and the guarantors of her neutrality have responded loyally and without delay to her appeal."

DAVIGNON.

APPENDIX V.

Telegrams exchanged between the Emperor William II. and the Emperor Nicholas II.

(Extracts from the German White Book.)

I. The Emperor William to the Emperor Nicholas.

July 28, 1914, 10.45 p.m.

I have heard with the greatest anxiety of the impression which is caused by the action of Austria-Hungary against Serbia. The unscrupulous agitation which has been going on for years in Serbia, has led to the revolting crime of which Archduke Franz Ferdinand has become a victim. The spirit which made the Servians murder their own King and his consort still dominates that country. Doubtless You will agree with me that both of us, You as well as I, and all other sovereigns, have a common interest to insist that all those who are responsible for this horrible murder shall suffer their deserved punishment.

On the other hand I by no means overlook the difficulty encountered by You and Your Government to stem the tide of public opinion. In view of the cordial friendship which has joined us both for a long time with firm ties, I shall use my entire influence to induce Austria-Hungary to obtain a frank and satisfactory understanding with Russia. I hope confidently that You will support me in my efforts to overcome all difficulties which may yet arise.

Your most sincere and devoted friend and cousin,

WILLIAM.

II. The Emperor Nicholas to the Emperor William.

Peterhof Palace, July 29, 1914, 1 p.m.

I am glad that You are back in Germany. In this serious moment I ask You earnestly to help me. An ignominious war has been declared against a weak country and in Russia the indignation which I fully share is tremendous. I fear that very soon I shall be unable to resist the pressure exercised upon me and that I shall be forced to take measures which will lead to war. To prevent a calamity as a European war would be, I urge You in the name of our old friendship to do all in Your power to restrain Your ally from going too far.

NICHOLAS.

III. The Emperor William to the Emperor Nicholas.

July 29, 1914, 6.30 p.m.

I have received Your telegram and I share Your desire for the conservation of peace. However: I cannot—as I told You in my first telegram—consider the action of Austria-Hungary as an “ignominious war.” Austria-

Hungary knows from experience that the promises of Serbia as long as they are merely on paper are entirely unreliable.

According to my opinion the action of Austria-Hungary is to be considered as an attempt to receive full guaranty that the promises of Serbia are effectively translated into deeds. In this opinion I am strengthened by the explanation of the Austrian Cabinet that Austria-Hungary intended no territorial gain at the expense of Serbia. I am therefore of opinion that it is perfectly possible for Russia to remain a spectator in the Austro-Servian war without drawing Europe into the most terrible war it has ever seen. I believe that a direct understanding is possible and desirable between Your Government and Vienna, an understanding which—as I have already telegraphed You—my Government endeavours to aid with all possible effort. Naturally military measures by Russia, which might be construed as a menace by Austria-Hungary, would accelerate a calamity which both of us desire to avoid and would undermine my position as mediator which—upon Your appeal to my friendship and aid—I willingly accepted.

WILLIAM.

IV. The Emperor William to the Emperor Nicholas.

July 30, 1914, 1 a. m.

My Ambassador has instructions to direct the attention of Your Government to the dangers and serious consequences of a mobilisation. I have told You the same in my last telegram. Austria-Hungary has mobilised only against Serbia, and only a part of her army. If Russia, as seems to be the case, according to Your advice and that of Your Government, mobilises against Austria-Hungary, the part of the mediator with which You have entrusted me in such friendly manner and which I have accepted upon Your express desire, is threatened if not made impossible. The entire weight of decision now rests upon Your shoulders, You have to bear the responsibility of war or peace.

WILLIAM.

V. The Emperor Nicholas to the Emperor William.

Peterhof, July 30, 1914, 1.20 p. m.

I thank You from my heart for Your quick reply. I am sending to-night Tatisheff (Russian honorary aide to the Kaiser) with instructions. The military measures now taking form were decided upon five days ago, and for the reason of defence against the preparations of Austria. I hope with all my heart that these measures will not influence in any manner Your position as mediator which I appraise very highly. We need Your strong pressure upon Austria so that an understanding can be arrived at with us.

NICHOLAS.

VI. The Emperor Nicholas to the Emperor William.

July 31, 1914.

I thank you cordially for Your mediation which permits the hope that everything may yet end peaceably. It is technically impossible to discontinue our military preparations which have been made necessary by the

Austrian mobilisation. It is far from us to want war. As long as the negotiations between Austria and Servia continue, my troops will undertake no provocative action. I give you my solemn word thereon. I confide with all my faith in the grace of God, and I hope for the success of Your mediation in Vienna for the welfare of our countries and the peace of Europe.

Your cordially devoted
NICHOLAS.

VII. The Emperor William to the Emperor Nicholas.

July 31, 1914, 2 p. m.

Upon Your appeal to my friendship and Your request for my aid I have engaged in mediation between Your Government and the Government of Austria-Hungary. While this action was taking place, Your troops were being mobilised against my ally Austria-Hungary, whereby, as I have already communicated to You, my mediation has become almost illusory. In spite of this, I have continued it, and now I receive reliable news that serious preparations for war are going on on my eastern frontier. The responsibility for the security of my country forces me to measures of defence. I have gone to the extreme limit of the possible in my effort for the preservation of the peace of the world. It is not I who bear the responsibility for the misfortune which now threatens the entire civilised world. It rests in your hand to avert it. No one threatens the honour and peace of Russia which might well have awaited the success of my mediation. The friendship for You and Your country, bequeathed to me by my grandfather on his deathbed, has always been sacred to me, and I have stood faithfully by Russia while it was in serious affliction, especially during its last war. The peace of Europe can still be preserved by You if Russia decides to discontinue those military preparations which menace Germany and Austria-Hungary.

WILLIAM.

VIII. The Emperor Nicholas to the Emperor William.

August 1, 1914, 2 p.m.

I have received Your telegram. I comprehend that You are forced to mobilise, but I should like to have from You the same guarantee which I have given You, viz., that these measures do not mean war, and that we shall continue to negotiate for the welfare of our two countries and the universal peace which is so dear to our hearts. With the aid of God it must be possible for our long tried friendship to prevent the shedding of blood. I expect with full confidence Your urgent reply.

NICHOLAS.

IX. The Emperor William to the Emperor Nicholas.

Berlin, August 1, 1914.

I thank You for Your telegram. I have shown yesterday to Your Government the way through which alone war may yet be averted. Although I asked for a reply by to-day noon, no telegram from my Ambassador has reached me with the reply of Your Government. I therefore

have been forced to mobilise my army. An immediate, clear and unmistakable reply of Your Government is the sole way to avoid endless misery. Until I receive this reply I am unable, to my great grief, to enter upon the subject of Your telegram. I must ask most earnestly that You, without delay, order Your troops to commit, under no circumstances, the slightest violations of our frontiers.

WILLIAM.

APPENDIX VI.

Extracts from the "Orange Book" relating to Germany's Declaration of War on Russia.

No. 76. Note presented by the German Ambassador at St. Petersburg.

July 19 (August 1), 7.10 p.m.

The Imperial German Government have used every effort since the beginning of the crisis to bring about a peaceful settlement. In compliance with a wish expressed to him by His Majesty the Emperor of Russia, the German Emperor had undertaken, in concert with Great Britain, the part of mediator between the Cabinets of Vienna and St. Petersburg; but Russia, without waiting for any result, proceeded to a general mobilisation of her forces both on land and sea. In consequence of this threatening step, which was not justified by any military proceedings on the part of Germany, the German Empire was faced by a grave and imminent danger. If the German Government had failed to guard against this peril, they would have compromised the safety and the very existence of Germany. The German Government were, therefore, obliged to make representations to the Government of His Majesty the Emperor of All the Russias and to insist upon a cessation of the aforesaid military acts. Russia having refused to comply with (not having considered it necessary to answer*) this demand, and having shown by this refusal (this attitude*) that her action was directed against Germany, I have the honour, on the instructions of my Government, to inform your Excellency as follows:—

"His Majesty the Emperor, my august Sovereign, in the name of the German Empire, accepts the challenge, and considers himself at war with Russia."

F. POURTALES.

No. 77. Announcement by the Russian Minister of Foreign Affairs Respecting Recent Events.

July 20 (August 2), 1914.

A garbled version of the events of the last few days having appeared in the foreign press, the Russian Minister for Foreign Affairs considers it his duty to publish the following brief account of the diplomatic discussions during the period under review:—

On the 10th (23rd) July 1914, the Austro-Hungarian Minister at Belgrade presented a note to the Prime Minister of Servia, in which the Servian Government were accused of having fostered the pan-Serb movement, which had led to the assassination of the heir to the Austro-Hungarian throne. Austria-Hungary, therefore, demanded of the Servian Government, not only the condemnation in the most formal manner of the above-mentioned propaganda, but also the adoption, under Austrian supervision, of a series of measures for the discovery of the plot, for the punishment

*The words in brackets occur in the original. It must be supposed that two variations had been prepared in advance, and that, by mistake, they were both inserted in the note.

of any Servian subjects who had taken part in it, and for the prevention of any future attempts at assassination upon Austrian soil. A time limit of forty-eight hours was given to the Servian Government within which to reply to this note.

The Russian Government, to whom the Austro-Hungarian Ambassador at St. Petersburg had communicated the text of the note seventeen hours after its presentation at Belgrade, having taken note of the demands contained therein, could not but perceive that some of these demands were impossible of execution as regards their substance, whilst others were presented in a form which was incompatible with the dignity of an independent State. Russia considered that the humiliation of Servia, involved in these demands, and equally the evident intention of Austria-Hungary to secure her own hegemony in the Balkans, which underlay her conditions, were inadmissible. The Russian Government, therefore, pointed out to Austria-Hungary in the most friendly manner that it would be desirable to re-examine the points contained in the Austro-Hungarian note. The Austro-Hungarian Government did not see their way to agree to a discussion of the note. The moderating influence of the four Powers at Vienna was equally unsuccessful.

Despite the fact that Servia had reprobated the crime, and had shown herself ready to give Austria satisfaction to an extent beyond the expectations, not only of Russia, but also of the other Powers—despite the facts, the Austro-Hungarian Minister at Belgrade considered the Servian reply insufficient and left the town.

Recognising the exaggerated nature of the demands made by Austria, Russia had previously declared that she could not remain indifferent, while not desisting from doing her utmost to find a peaceful issue which might prove acceptable to Austria, and spare the latter's self-respect as a Great Power. At the same time Russia let it be clearly understood that she could accept a peaceful settlement of the question only so far as it involved no humiliation of Servia as an independent State. Unhappily all the efforts of the Russian Government to this end were fruitless. The Austro-Hungarian Government, which had shunned any attempt at conciliatory intervention by the Powers in the Austrian dispute with Servia, proceeded to mobilise and declared war officially against Servia, and the following day Belgrade was bombarded. The manifesto which accompanied the declaration of war openly accuses Servia of having prepared and carried out the crime of Serajevo. Such an accusation of a crime at common law, launched against a whole people and a whole State, aroused, by its evident inanity, widespread sympathy for Servia throughout all classes of European society.

In consequence of this behaviour of the Austro-Hungarian Government, in spite of Russia's declaration that she could not remain indifferent to the fate of Servia, the Russian Government considered it necessary to order mobilisation in the military districts of Kieff, Odessa, Moscow, and Kazan. This decision was rendered necessary by the fact that since the date when the Austro-Hungarian note was communicated to the Servian Government, and since the first steps taken by Russia, five days had elapsed, and yet the Vienna Cabinet had not taken one step to meet Russia half-way in her efforts towards peace. Indeed, quite the contrary; for the mobilisation of half of the Austro-Hungarian army had been ordered.

The German Government were kept informed of the steps taken by Russia. At the same time it was explained to them that these steps were only the result of the Austrian preparations, and that they were not in any

way aimed at Germany. Simultaneously, the Russian Government declared that Russia was ready to continue discussions with a view to a peaceful settlement of the dispute, either in the form of direct negotiations with Vienna or, as suggested by Great Britain, in the form of a conference of the four Great Powers not directly interested, that is to say, Great Britain, France, Germany, and Italy.

This attempt on the part of Russia was, however, equally unsuccessful. Austria-Hungary declined a further exchange of views with Russia, and the Vienna Cabinet was unwilling to join the proposed conference of the Powers.

Nevertheless Russia did not abandon her efforts for peace. When questioned by the German Ambassador as to the conditions on which we would still agree to suspend our preparations, the Minister for Foreign Affairs declared that these conditions were Austria's recognition that the Austro-Serbian question had assumed a European character, and a declaration by her that she agreed not to insist upon such of her demands as were incompatible with the sovereign rights of Servia.

Germany considered this Russian proposal unacceptable to Austria-Hungary. At that very moment news of the proclamation of general mobilisation by Austria-Hungary reached St. Petersburg.

All this time hostilities were continuing on Servian territory, and Belgrade was bombarded afresh.

The failure of our proposals for peace compelled us to extend the scope of our precautionary military measures.

The Berlin Cabinet questioned us on this, and we replied that Russia was compelled to begin preparations so as to be ready for every emergency.

But while taking this precautionary step, Russia did not on that account abandon her strenuous efforts to find some solution of the situation, and she announced that she was ready to accept any proposed settlement of the problem that might be put forward, provided it complied with the conditions laid down by her.

In spite of this conciliatory communication, the German Government on the 18th (31st) July demanded of the Russian Government that they should suspend their military measures by midday on the 19th July (1st August), and threatened, should they fail to comply, to proceed to general mobilisation.

On the following day, the 19th July (1st August), the German Ambassador, on behalf of his Government, forwarded a declaration of war to the Minister of Foreign Affairs.

SAZONOF.

No. 78. Russian Minister for Foreign Affairs to Russian Representatives Abroad.

(Telegram.)

St. Petersburg, July 20 (August 2), 1914.

It is quite evident that Germany is now doing her utmost to foist upon us the responsibility for the rupture. We were forced to mobilise by the immense responsibility which would have fallen upon our shoulders if we had not taken all possible precautionary measures at a time when Austria, while confining herself to discussions of a dilatory nature, was bombarding Belgrade and was undertaking general mobilisation.

The Emperor of Russia had promised the German Emperor that he would take no aggressive action as long as the discussions with Austria continued. With such a guarantee, and after so many proofs of Russia's desire for peace, Germany neither could, nor had the right to, doubt our declaration that we would joyfully accept any peaceful settlement compatible with the dignity and independence of Servia. Any other solution, besides being incompatible with our own dignity, would assuredly have upset the European balance of power by securing the hegemony of Germany. The European—nay, the world-wide character of this dispute is infinitely more important than the pretext from which it springs. By her decision to declare war upon us, at a moment when negotiations were in progress between the Powers, Germany has assumed a heavy responsibility.

SAZONOF.

LIST OF PUBLICATIONS

Nos. 1-66 (April, 1907, to May, 1913). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

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68. American Love of Peace and European Skepticism, by Paul S. Reinsch, July, 1913.
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- Special Bulletin. Contemporary War Poems. December, 1914.
86. Documents Regarding the European War. Series IV. January, 1915.
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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

A DOZEN TRUTHS ABOUT PACIFISM



BY
ALFRED H. FRIED

TRANSLATED BY
JOHN MEZ, Ph.D.

MARCH, 1915

American Association for International Conciliation
Sub-Station 84 (407 West 117th Street)
New York City



Pres. C. W. Eliot

A DOZEN TRUTHS ABOUT PACIFISM

IT IS NOT TRUE

that Pacifism has failed. *The truth is* that the lack of international organization has failed, and that a system of order between states will have to be established, if future wars are to be avoided.

IT IS NOT TRUE

that international law has become a chimera. *The truth is* that the very passionate indignation against its continued violation in this war has proved its necessity and is a reason why it should be made more secure in the future.

IT IS NOT TRUE

that international coöperation has been destroyed forever through this war. *The*

truth is that in science, trade, commerce, sanitation, social welfare, etc., no nation can suffice for itself alone; each *must* co-operate with the others in its own interests.

IT IS NOT TRUE

that the Pacifists are working toward a premature peace, or that they are trying to influence public opinion in this direction. *The truth* is that, much as they deplore this war, they realize it will have to be waged to the point where a permanent peace may be secured for every nation.

IT IS NOT TRUE

that the efforts for international conciliation have been proved fallacious. *The truth* is that these efforts, had they not been interrupted by the outbreak of this war, would have made it possible, in time, to avert war altogether.

IT IS NOT TRUE

that the work of The Hague has been in vain. *The truth* is that the present war shows how much nations are forced to appeal to their work at the Hague and to demand that it be respected, so that it may be assumed that the people will regard The Hague peace guarantees more seriously in the future.

IT IS NOT TRUE

that the Pacifists believed "Universal Peace" was already secured, and that their belief has been refuted by the outbreak of the world war. *The truth* is that they did not consider permanent peace assured; otherwise they would have ceased their work. They continued because they had realized the impending danger, and sought to show how to avoid it.

IT IS NOT TRUE

that the Pacifists strove for an "Eternal Peace." *The truth is* that they are striving for a condition of peaceful intercourse between civilized nations, based upon law, coöperation and mutual confidence.

IT IS NOT TRUE

that the Pacifists stand for total disarmament so that their countries would be undefended. *The truth is* that they never spoke of total disarmament, but primarily only of a *limitation of armaments*, to be brought about by the common action of all nations.

IT IS NOT TRUE

that the Pacifists are striving toward a phantasy called the "Federation of Europe." *The truth is* that they have in mind a voluntary federation of several nations, founded

on the mutual recognition of one another's obligations, which would form a basis for an organized family of nations.

IT IS NOT TRUE

that the Pacifists believe that all disputes can be settled by an arbitration court. *The truth is* that they are convinced that even the most serious conflicts of interests can be settled in a peaceful manner by mutual agreement, or by a delay and an investigation of the dispute, especially when system by which states guarantee mutual security shall have deprived conflicts of their menacing character.

IT IS NOT TRUE

that it is only by armaments that peace can be secured. *The truth is* that the very system of unbearable piling up of armaments has caused this world war, which no people and no government wanted.

ALFRED H. FRIED,
Translated by John Mez, Ph.D.

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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES No. VI

THE AUSTRIAN RED BOOK

OFFICIAL TRANSLATION PREPARED BY THE
AUSTRIAN GOVERNMENT



APRIL, 1915

No. 89

American Association for International Conciliation
Sub-Station 84 (407 West 117th Street)
New York City
1915



The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress or interruption of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects. A list of publications will be found on page 93.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such diversions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.

August 18, 1914.

NOTE OF INTRODUCTION

Much of the material which follows has already been printed in this series of documents, but since the official English translation has been supplied to the American Association for International Conciliation through the courtesy of the Austrian Government, it seems best to print the entire material in the form furnished.

Ever since the Karageorgevitch Dynasty ascended Serbia's blood-stained throne, surrounded by the conspirators against King Alexander, the policy of the kingdom has been directed by various means and with varying intensity toward a hostile propaganda and a revolutionary agitation in those territories of Austria-Hungary which are inhabited by South-Slavs. This underground policy has been aimed at the forcible separation of these territories from the Dual Monarchy, when the general political situation should favor the attainment of the aspirations for the establishment of a Greater Serbia.

The bitter disappointment caused in Serbia by the annexation of Bosnia and Herzegovina, which drove the Serbian nation to the brink of war, shows plainly what ambitious hopes were entertained by Serbia and how near she thought herself to be to the goal.

In the spring of 1909, Russia, though assuming the part of the protecting power, considered her armaments not sufficiently advanced to support Serbia. Under the circumstances the Serbian government decided to declare solemnly before Europe that it recognized the international situation created by the annexation as an act which had not affected Serbia's rights. The Serbian government furthermore undertook to dissolve the irregular bands which had armed against the Dual Monarchy and to maintain good neighborly relations with the latter for the future.

The Austro-Hungarian government looked forward to the restoration of the peace and good understanding with Serbia which had prevailed under the Obrenovitch Dynasty. It hoped to be enabled to promote Serbia's interests in the friendly spirit which had been evidenced by Austria-Hungary at the Berlin Congress, when she successfully advocated the recognition of the independence of the kingdom. These Austro-Hungarian hopes were not to be fulfilled, however. Far from respecting the pledge of good neighborly relations, the Serbian government permitted the Serbian press to rouse unrestrained hatred against the Monarchy; it tolerated societies in Serbia which, under the leadership of high officers, functionaries, teachers and judges, publicly carried on an agitation aiming to precipitate a revolutionary outbreak in Austro-Hungarian territories; it permitted prominent officers of the Serbian military and civil services to demoralize the public conscience to the point where assassination was regarded as a legitimate weapon against the adjoining monarchy. This subversive agitation led to a series of outrages against prominent Austrian

and Hungarian officials and culminated in the dastardly assassination of the heir apparent, the Archduke Francis Ferdinand. Instead of precipitating the disintegration of Austria-Hungary which our enemies had foolishly anticipated, however, the Prince's martyrdom rallied all the peoples of Austria-Hungary in fervent loyalty to the defence of the Hapsburg Dynasty. The whole world now sees that the monarchy rests upon solid foundations, and that her sons are firmly united in the conviction that their dignity, self-respect and vital interests made it imperative to check Serbia's criminal agitation.

Convinced by experience of the duplicity of the Servian government, Austria-Hungary found only one method which promised a satisfactory settlement. That method was to demand from Serbia absolute guarantees that those implicated in the infamous murder would be punished and that the subversive agitation for a Greater Serbia would be suppressed.

Austria-Hungary's forbearance having been construed as an evidence of weakness, the Belgrade government had to be made to realize that the Dual Monarchy was prepared to go to any lengths to uphold her prestige and integrity; Serbia had to be taught that Austria-Hungary could not tolerate her policy of prevarication and ostensible compliance with the Austro-Hungarian demands, meant only to deceive the great powers while the Servians carried on their incendiary agitation. The necessity for decisive action was emphasized by the recollection of a similar act of duplicity and evasion successfully accomplished by Serbia after the solemn declaration of 1909. Every time that the monarchy called Serbia to account for her reprehensible campaign of disruption, the Belgrade government turned to the powers for protection and impunity. Under the circumstances there was but one way of safeguarding the territorial integrity of Austria-Hungary and putting an end to the ever-recurring economic disturbance of the Dual Monarchy, without endangering the peace of Europe. From the very beginning the Imperial and Royal Government, wishing to reassure the Powers, declared that it did not intend to go beyond the protection of its legitimate interests, and that no territorial aggrandizement was contemplated. It was compelled, however, to insist upon a direct settlement between Austria-Hungary and Serbia within the designated restrictions. Russia's proposal to extend the time-limit for the Servian answer would have furnished the Belgrade government with the opportunity for underhanded procrastination, and would have opened the door to the intervention of other Powers on Serbia's behalf. An extension of the time-limit had, therefore, to be declined. Though Serbia's hostility was plainly proved by the fact, that before giving her ambiguous reply, she had ordered a general mobilization, still the Dual Monarchy did not declare war until another three days had elapsed.

The British government's suggestion that the Servian controversy be submitted to a conference of the Powers reached Vienna too late, as hostilities had already begun. This proposal, however, could by no means have safeguarded the Dual Monarchy's interests. Nothing less than the unconditional acceptance of Austria-Hungary's demands by the Belgrade government could have guaranteed even tolerable neighborly relations with Serbia. On the other hand, the Entente Powers were guided by the wish to put aside Austria-Hungary's demands by means of a compromise. This method would have nullified the assurances required for the future correct behavior of Serbia, which would thus have been encouraged to persist in her activities for the detachment of the southern territories from Austria-Hungary.

The demand that Serbia punish the accomplices in the Serajevo murder who were on Servian soil, and live up to the obligations of a peaceful neighbor, was aimed solely at the protection of our dynasty and of the integrity of the Dual Monarchy from subversive agitations. The Austro-Hungarian government acted as the spokesman of the civilized world when it asserted that it could not permit murder to be employed with impunity in political strife, and that the peace of Europe ought not to be continually menaced by Serbia's ambitious projects.

The Entente Powers, dominated by selfish motives, ignored the laws of public morality and sided with the guilty party; in so doing, they assumed a heavy responsibility. The Dual Monarchy had given ample proofs of its conservative policy and thoroughly peaceful disposition during the crisis of the Balkan wars, when the balance of power in the Peninsula underwent far-reaching changes; she, therefore, deserved unrestricted confidence in the new situation. Had the Entente Powers accepted Austria-Hungary's assurances and adopted a policy of waiting, the general conflagration would have been averted. When the history of this war shall be written, it will place upon their shoulders the blame for the frightful disaster which their policy has brought upon the world.

The small Servian state would never have dared to carry on its disruptive agitation in the territories of a great power, had it not been assured of Russia's secret protection. Serbia had tangible pledges that in the event of a clash with Austria-Hungary, the powerful Pan-Slavic party in Russia would bring the Czar's government to the active support of the movement for the establishment of a Greater Serbia at the expense of the Dual Monarchy. Such a support was only a minor phase of the expansive policy of the Russian empire which, like an ever-extending glacier, has ground down tremendous territories and many peoples, whose religious freedom and languages it has suppressed. The essential and traditional feature of the ambitious scheme of world-domination, of which the Servian agitation is only an incident, is the possession of the Dardanelles. Such an acquisition would make Russia predominant in the Near East, with exclusive political and commercial privileges.

Since the attainment of this purpose constituted a menace to the vital interests of both Austria-Hungary and Germany, it was bound to rouse their opposition; Russia's efforts were consequently directed toward weakening their capacity for resistance. This was to be attained by disrupting the powerful combination of the two countries which stood in Russia's way, and by isolating Germany. The first move was the creation of the Balkan League, designed to weaken Austria-Hungary, whose foundations as a great power were to be undermined by the Pan-Slav and Servian agitation in her border districts. As a preliminary step Turkey had to be crushed and driven out of Europe. By this act the power of the augmented Christian Balkan States was to be made available for Russia's struggle against the two central European powers.

When the Balkan League was rent asunder by the dispute over the distribution of the territories wrested from Turkey, the "protecting power" of the Slavs assented to the defeat and humiliation of Bulgaria, who was deprived of the greater part of her recent conquests. New inducements were now offered for the reconstitution of the Balkan League by the promise of territorial expansion at the expense of Austria-Hungary. After the defeat of Turkey, the Balkan Federation could be directed solely against Austria-Hungary and Germany. Russia and France conceived this plan, which was to shift Europe's balance of power. In this criminal game of

Russian diplomacy, which threatened the peace of Europe and the existence of the Dual Monarchy, Serbia was a trump card in Russia's hand, and Russia was determined not to lose this trump, even at the cost of a universal conflagration.

The following series of documents show that, up to the very last, the Imperial and Royal Government repeatedly assured the St. Petersburg cabinet that it did not intend to violate any Russian interest, or to seize Servian territory, or to infringe upon Serbia's sovereign rights, and that it was willing to enter into negotiations with the Russian government for the adjustment of Austro-Hungarian and Russian interests. These solemn assurances, however, did not satisfy the Russian government which, as early as the 24th of July, adopted a threatening tone in a public statement on the issues involved.

Though Austria-Hungary had not mobilized a single soldier against Russia, the latter ordered on July 29th a mobilization of the military districts of Odessa, Kieff, Moscow and Kazan, which implied a threat against the Dual Monarchy. In spite of the repeated warnings of the Imperial and Royal Ambassador in St. Petersburg and the intimation by the German government on the 26th of July that preparatory military measures in Russia would compel Germany to take corresponding steps, and that mobilization would mean war, the Russian general mobilization order was issued on the 31st of July.

On the 24th of July the Austro-Hungarian Ambassador met the Russian Minister of Foreign Affairs and emphatically pointed out the thoroughly peaceful disposition of the Dual Monarchy. He explained that Austria-Hungary only wished to put an end to the dangerous Servian policy of murderous outrages and of revolutionary agitation.

The vital interests of Austria-Hungary were at stake, and she had to protect herself; she could not abandon her defensive policy even if Russia should choose to provoke a collision by taking Serbia under her protection. The Imperial and Royal Government had no choice but to endeavor to put an end to an intolerable situation wherein Serbia, in effect, would have continued its provocations under a Russian pledge of immunity.

On the 30th of July the British Foreign Secretary once more suggested that Austria-Hungary accept the good offices of mediating powers in her controversy with Serbia. The Imperial and Royal Government, animated by a sincere desire to do its utmost to preserve the world's peace, agreed to accept this mediation. Austria-Hungary's honor and interests, however, demanded that this should not be done under the pressure of Russia's threatening measures. She, therefore, had to insist that Russia's order of mobilization should be revoked prior to Austria-Hungary's acceptance of mediation. The St. Petersburg cabinet responded by issuing the general call to the colors.

In coöperation with Great Britain's selfish policy and France's craving for *revanche*, the Russian government had left nothing undone to place Europe under the domination of the Entente Powers and thus to open the way for her own bold schemes.

Russia has resorted to most unscrupulous methods in her efforts to twist a rope around the Monarchy's neck. When Austria-Hungary, acting in self-defence, set about to sever this rope, Russia tried to tie her hands and to humiliate her.

Threatened in their most vital interests, Austria-Hungary and Germany had to choose between protecting their security and surrendering to the Russian menace. They chose the way which honor and duty prescribed.

PERSONAGES REFERRED TO IN THE RED BOOK

COUNT BERCHTOLD	Austro-Hungarian Minister for Foreign Affairs.
M. BIENVENU-MARTIN	French Minister of Justice and Acting Minister of Foreign Affairs.
COUNT CLARY	Austro-Hungarian Minister at Brussels.
M. DOUMERGUE	French Minister of Foreign Affairs.
M. DUMAINE	French Ambassador at Vienna.
COUNT ERREMBAUT DE DUDZEELE	Belgian Minister at Vienna.
BARON VON GIESL	Austro-Hungarian Minister at Belgrade.
SIR EDWARD GREY	British Secretary of State of Foreign Affairs.
HERR HOFLEHNER	Acting Consul for Austria-Hungary at Nish.
PRINCE HOHENLOHE	Austro-Hungarian Ambassador at Berlin, successor to Count Szögyény.
PRINCE KUDASCHEFF	Russian Chargé d'Affaires in Vienna.
BARON VON MACCHIO	Under-Secretary of the Austro-Hungarian Foreign Office.
COUNT MENSENDORFF	Austro-Hungarian Ambassador at London.
BARON MÜLLER	Austro-Hungarian Ambassador at Tokio.
M. PACHITCH	Servian Premier and Minister of Foreign Affairs.
COUNT POURTALES	German Ambassador at St. Petersburg.
RITTER VON STORCK	Austro-Hungarian Councilor of Legation at Belgrade.
M. SAZONOW	Russian Minister of Foreign Affairs.
M. SCHEBEKO	Russian Ambassador at Vienna.
GENERAL SUCHOMLINOW	Russian Minister of War.
COUNT SZÁPARY	Austro-Hungarian Ambassador at St. Petersburg.
COUNT SZÉCSEN	Austro-Hungarian Ambassador at Paris.
COUNT SZÖGYÉNY	Austro-Hungarian Ambassador at Berlin. Predecessor to Prince Hohenlohe.
HERR VON TSCHIRSCHKY	German Ambassador at Vienna.
M. VIVIANI	Premier of France.

I. Von Storck to Count Berchtold

Belgrade, June 29, 1914.

Still under the profound impression of the ghastly outrage of yesterday, I find it difficult to comment upon the bloody deed of Serajevo in the calm, self-possessed manner befitting the seriousness of the occasion. I therefore beg to be allowed to confine myself to-day to a mere record of some facts.

Yesterday, the 15th/28th, the anniversary of the battle of Kossovopolje was celebrated with more than usual pomp, and the memory of the Servian patriot, Milosh Obilitch, who in 1389 treacherously assassinated the victorious Murad, was solemnized. Wherever Servians live, Obilitch is counted a national hero. Yet, as a result of the propaganda fostered under the auspices of the Servian government and of a press campaign carried on for many years past, we have been substituted for the Turks as Serbia's hereditary foes.

In the minds of the three juvenile assassins of Serajevo (Princip, Gabrinovitch and the third unknown bomb-thrower) must have loomed up the glamour of a re-enactment of the tragedy of Kossovopolje. They have even shot and killed an innocent woman, and therefore may have considered that they have surpassed their model.

For years hatred against the Dual Monarchy has been sown in Servia. The seed has taken and the harvest is murder.

The news became known at about 5 P. M., and at 10 o'clock that night the Servian government officially ordered the celebration of the Obilitch anniversary to be stopped. Unofficially, however, and under the cover of darkness, the festivities were kept up for some time.

According to eye-witnesses people embraced each other in delight and jubilant remarks were heard, such as: "Serves them right! "We expected it for a long time!" "That's the revenge for the annexation!"

II. Von Storck to Count Berchtold

(Telegram.)

Belgrade, June 30, 1914.

I presented to-day to M. Gruitch, the Secretary General of the Foreign Office, the pertinent inquiry as to what steps the royal police had taken, or intended to take, in an effort to trace the threads of the outrage, which notoriously led into Servia.

His reply was that, so far, the Servian police had not even taken the matter up.

III. Consul General Jehlitschka to Count Berchtold

Üsküb, July 1, 1914.

On June the 15th/28th, the Vidov Dan (Corpus Christi Day) which this year co-incided with the 525th anniversary of the battle of Kossovopolje fought in 1389, was for the first time officially celebrated at Pristina as the feast of the "Liberation of the Servian nation."

For four months a special committee had been working to make that festival as solemn as possible and to turn it into a great national Serb demonstration.

In preparation for the forthcoming festivities a propaganda had been extended into Croatia, Dalmatia, Bosnia and especially into Hungary. Those desirous of taking part in the festivities were granted free passage on the Servian state railways, and the authorities promised them cheap lodging, food and other assistance. The agitation had been energetic and well planned. The guests were taken to Pristina on special trains.

The various speeches reveled in historical reminiscences connected with the scene of the celebration, and invariably led up to and dwelt upon the customary topic of the unification of all Serbs and the "liberation of the oppressed brethren" across the Danube and the Save, including those who live in Bosnia and Dalmatia.

During the evening hours, news of the terrible deed of Serajevo began to spread and the fanatic populace gave itself up to a spontaneous outburst of passion, which, to judge by the numerous utterances of approval reported to me from absolutely reliable sources, must be described as positively inhuman.

In view of this attitude, which was also taken up by the population of Ūskŭb, and in consideration of the fact that the news of the crime has been received with unconcealed satisfaction by a representative gathering, all attempts of the Servian press to shift from Servia the moral responsibility for the deed crumbled to pitiable nothing.

IV. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 4, 1914.

I conveyed to-day to M. Poincaré, the Imperial and Royal Government's thanks for his sympathy.

Referring to the anti-Servian demonstration in our country, he remarked that after the assassination of President Carnot all Italians were exposed to the most violent attacks at the hands of the population throughout France.

I drew his attention to the fact that the assassination to which he referred had no connection whatever with any anti-French agitation in Italy, whereas it can no longer be denied that for many years past a campaign has been waged in Servia against the Dual Monarchy, availing itself of all means, legitimate and illegitimate.

In concluding the interview M. Poincaré expressed his firm conviction that the Servian government would lend us every assistance in the judicial investigation and prosecution of persons suspected as accomplices. He added: "No State could evade such a duty."

V. Acting Consul Hoflehner to Count Berchtold

Nish, July 6, 1914.

At Nish the news of the terrible outrage of Serajevo has caused a sensation in the full sense of the word. No signs of consternation or indignation could be seen, however. A feeling of satisfaction and even of joy was predominant, and was often manifested in an unconcealed manner. So little

restraint was put on the public feeling, that many instances of coarse expression could be recorded. This chiefly applies to the so-called leading circles and educated classes, such as politicians, teachers, government officials, officers and students. The business community remained more reserved.

All declarations made from Servian official quarters and by prominent individuals expressing indignation at the outrage and condemning the deed, appear merely as irony to those who have had the opportunity to observe at close quarters the sentiments of the educated classes during the past few days.

Toward nine o'clock on the day of the outrage I proceeded to a local café, still ignorant of what had happened. A gentleman of my acquaintance informed me of the persistent rumors of the crime. It was revolting to witness the elation displayed by the numerous guests, who discussed the event with evident satisfaction. Exclamations of joy and mockery were heard, which could not have failed to painfully affect even those who had been hardened by the customary political fanaticism of the Servians.

VI. Baron von Giesl to Count Berchtold

Belgrade, July 21, 1914.

Some time has passed since my return to my post after the unfortunate crime of June 28th, and I may now venture to give my estimate of the prevailing public feeling in Servia.

Since the annexation crisis, the relations between the Dual Monarchy and Servia have been strained by the jingoism and animosity of the latter and by an effective propaganda for the "Great Servian" cause, carried on in those parts of our country which are inhabited by Serbs. Servia's successes in the Balkan wars have intensified that jingoism, until it now manifests itself at times in outbreaks of frantic passion bordering upon madness.

I consider it superfluous to adduce proofs or instances. They may be obtained at any time and everywhere, in political circles as well as among the populace, without distinction of party. I affirm it as an established axiom that Servia's policy has but one aim, namely, the detachment from the Dual Monarchy of all territories inhabited by South-Slavs and the eventual destruction of that monarchy as a great power. Nobody who has spent a week in the discharge of his duties in this political atmosphere can question the truth of my assertion.

The latest political events have vastly increased the existing hatred against the Dual Monarchy. I here refer to the crime of Serajevo, Hartwig's death and the electoral campaign.

The outrage of Serajevo has evoked before the Servian people visions of the impending disintegration of the Hapsburg Empire. They have been led to believe that the dismemberment of the Austro-Hungarian territories in question was to be expected shortly, that a revolution had broken out in Bosnia and Herzegovina, and that the loyalty of the Slav regiments could not be relied upon. Thus the event introduced a certain system into the scheme of mad nationalism, and invested it with a semblance of justification.

In the eyes of the Servians the hated Austro-Hungarian Monarchy has become powerless, and is henceforth hardly worth a military effort. Hatred

is now accompanied by contempt. Without any further trouble exhausted Austria-Hungary would fall helplessly into the lap of the greater Servian Empire which before long would come into being.

Papers, which certainly may not be classed among the most radical publications, emphasize in daily articles the impotence and disintegration of the neighboring monarchy, and without fear of punishment insult our authorities, including the august person of our sovereign. The press organ of the government points to the internal conditions in Austria-Hungary as the sole cause of the damnable crime. The dread of a future settling of accounts has vanished. For decades the Servian people have been entirely under the influence of the press, and the press of the ruling party determines the national policy. The outrage of Serajevo is the horribly abortive product of this influence of the press.

I shall pass over the absurd accusations raised on the occasion of Hartwig's death, utterances verging on madness, which the London "Times" qualified as "raging mad." Nor shall I dwell upon the mendacious press campaign which endeavors to confirm the Servian people in their conviction that the government of Austria-Hungary as well as its representatives are outlawed. Terms like "murderers," "rascals" or "infamous Austrians" were some of the ornamental by-words applied to us.

Hartwig's death, which meant a profound bereavement to the Servian political world, has been followed by a fanatic cult of the departed. This sentiment, however, was due not only to gratitude for his assistance in the past, but to a sense of apprehension as to the future. Every effort was made to please Russia by a display of slave-like servility, in order to secure that country's good-will for the future.

The third important factor is the electoral campaign. A common platform of hostility to the Dual Monarchy has united all parties. No party aspiring to the powers of government, therefore, would risk exposing itself to the suspicion of weakly yielding to Austria-Hungary. Thus the electoral campaign is waged under the watch-word of battle against Austria-Hungary.

It is generally believed that, for reasons internal as well as external, the Dual Monarchy is utterly powerless and incapable of any energetic action. Solemn warnings emanating from our competent sources are regarded as mere bluff.

The leave of absence granted to the Austro-Hungarian war minister and to the chief of the general staff have confirmed the conviction that the weakness of Austria-Hungary is now evident.

In imposing upon your patience with this lengthy report, I am fully aware that I am presenting nothing new; but I consider this exposition essential to the inevitable conclusion that a settlement with Serbia, involving a war not only for the preservation of Austria-Hungary's position as a great power, but even for her very existence, cannot be permanently avoided.

If we neglect to clear up our relations with Serbia, we shall lay ourselves open to blame for increased difficulties and disadvantages in a future conflict which, sooner or later, is bound to come.

In the view of an official representative of the Austro-Hungarian government, who is observing events on the spot, the realization is inevitable that we cannot afford to permit any further diminution of our prestige.

Should we decide to make far-reaching demands, with effective control of their execution (and such measures alone could clean the Augean Stable of Greater Servian intrigues), we would have to consider all possible consequences. From the very outset we must be firmly resolved to persevere in our attitude.

Half measures, demands, endless debating and finally a foul compromise, would be the hardest blow to Austria-Hungary's authority in Serbia and her standing as a great power in Europe.

VII. Count Berchtold to Baron von Giesl, Belgrade

Vienna, July 22, 1914.

You are directed to hand the following note to the Royal Government, in the course of the afternoon of Thursday, July 23rd:

On the 31st of March, 1909, the Servian Minister in Vienna, on instructions from the Servian Government, made the following declaration to the Imperial and Royal Government:

Servia recognizes that the *fait accompli* regarding Bosnia has not affected her rights, and consequently she will conform to such decisions as the Powers may take with regard to article XXV. of the treaty of Berlin. In deference to the advice of the Great Powers, Servia undertakes to renounce henceforth the attitude of protest and opposition which she has adopted with regard to the annexation since last autumn. She undertakes, moreover, to modify the direction of her present policy toward Austria-Hungary and to live in future on good neighborly terms with the latter.

The history of recent years, and in particular the painful events of the 28th of June last, have disclosed the existence of a subversive movement with the object of detaching a part of the territories of Austria-Hungary from the Monarchy. The movement, which had its birth under the eye of the Servian government, has gone so far as to make itself manifest beyond the Servian frontier in the shape of acts of terrorism and a series of outrages and murders.

Far from carrying out the formal undertakings contained in the declaration of the 31st of March, 1909, the Royal Servian Government has done nothing to repress this movement. It has tolerated the criminal activity of various societies and associations directed against the Monarchy, the licentious language of the press, the glorification of the authors of outrages, and the participation of officers and functionaries in subversive agitation. It has permitted an unwholesome propaganda in public instruction. In short, it has permitted all manifestations of a nature to incite the Servian population to hatred of the Monarchy and contempt for its institutions.

This culpable tolerance of the Royal Servian Government had not ceased at the moment when the events of the 28th of June last demonstrated its ominous consequences to the world.

It is evident from the depositions and confessions of the criminal perpetrators of the outrage of the 28th of June, that the Serajevo assassination has been planned in Belgrade, that the arms and explosives with which the murderers were provided, had been given to them by Servian officers and functionaries belonging to the Narodna Odbrana, and finally that the passage into Bosnia of the criminals and their arms was organized and carried out by the Chiefs of the Servian frontier service.

The above mentioned results of the preliminary investigation do not permit the Austro-Hungarian government to pursue any longer the attitude of expectant forbearance which it has maintained for years in the

face of machinations hatched in Belgrade, and thence propagated in the territories of the Monarchy. The results, on the contrary, impose upon it the duty of putting an end to the intrigues which form a perpetual menace to the tranquility of the Monarchy.

To achieve this end, the Imperial and Royal government finds itself compelled to demand from the Royal Servian government a formal assurance that it condemns this dangerous propaganda against the Monarchy—in other words, the whole series of tendencies, the ultimate aim of which is to detach from the Monarchy territories belonging to it—and that it undertakes to suppress by every means at its disposal this criminal and terrorist propaganda.

In order to give a solemn character to this undertaking the Royal Servian Government shall publish on the front page of its "journal official," of the 26th of July (13th July) the following declaration:

The Royal Government of Servia condemns the propaganda directed against Austria-Hungary, of which the final aim is to detach from the Austro-Hungarian Monarchy territories belonging to it, and it sincerely deplores the fatal consequences of these criminal proceedings.

The Royal Government regrets that Servian officers and functionaries have participated in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the Kingdom, that henceforward it will proceed with the utmost rigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress.

This declaration shall simultaneously be communicated to the royal army as an order of the day by His Majesty the King, and published in the Official Bulletin of the army.

The Royal Servian Government further undertakes:

1. To suppress any publication which incites to hatred and contempt of the Austro-Hungarian Monarchy and the general tendency of which is directed against its territorial integrity;

2. To dissolve immediately the society called Narodna Odbrana, to confiscate all its means of propaganda, and to proceed in the same manner against all other societies and their branches in Servia which engage in propaganda against the Austro-Hungarian Monarchy. The Royal Government shall take the necessary measures to prevent the societies dissolved from continuing their activity under another name and form;

3. To eliminate without delay from public instruction in Servia, both as regards the teaching body and the methods of instruction, everything that serves, or might serve, to foment the propaganda against Austria-Hungary;

4. To remove from the military service, and from the administration in general, all officers and functionaries guilty of propaganda against the

Austro-Hungarian Monarchy whose names and deeds the Austro-Hungarian Government reserves the right of communicating to the Royal Government;

5. To accept the coöperation in Servia of representatives of the Austro-Hungarian Government in the suppression of the subversive movement directed against the territorial integrity of the Monarchy;

6. To take judicial proceedings against accomplices in the plot of the 28th of June who are on Servian territory. Delegates of the Austro-Hungarian Government will take part in the investigation relating thereto;

7. To proceed without delay to the arrest of Major Voijs Tankositch and of the individual named Milan Ciganovitch, a Servian State employee, who have been compromised by the results of the preliminary investigation at Serajevo;

8. To prevent by effective measures the participation of the Servian authorities in the illicit traffic in arms and explosives across the frontier; to dismiss and punish severely the officials of the frontier service at Schabatz and Loznica who have been guilty of having assisted the perpetrators of the Serajevo crime by facilitating their passage across the frontier;

9. To furnish the Imperial and Royal Government with explanations regarding the unjustifiable utterances of high Servian officials, both in Servia and abroad, who, notwithstanding their official positions, did not hesitate after the crime of the 28th of June to give utterance, in published interviews, to expressions of hostility to the Austro-Hungarian Government; and finally,

10. To notify the Imperial and Royal Government without delay of the execution of the measures comprised under the preceding heads.

The Austro-Hungarian Government awaits the reply of the Royal Government at the latest by 6 o'clock on Saturday evening, the 25th of July.

A memorandum dealing with the results of the preliminary investigation at Serajevo with regard to the officials mentioned under heads 7 and 8 is attached to this note.

ENCLOSURE.

The investigation by the court at Serajevo against Gabrilo Princip and accomplices in the assassination committed on June 28 of this year has up to now established the following facts:

1. The plot to murder Archduke Francis Ferdinand during his stay in Serajevo was planned by Gabrilo Princip, Nedeljko Gabrinovitch, a certain Milan Ciganovitch, and Trifko Grabez, with the assistance of Major Voijs Tankositch.

2. The six bombs and four Browning pistols, with their ammunition, which were used by the criminals were obtained for them and handed to Princip, Gabrinovitch, and Grabez in Belgrade by a certain Milan Ciganovitch, and Major Voijs Tankositch.

3. The bombs are hand grenades which come from the arsenal of the Servian army at Kragujevac.

4. In order to make sure of the success of the attempt, Milan Ciganovitch instructed Princip, Gabrinovitch and Grabez in the art of hurling bombs and taught Princip and Grabez how to shoot with Browning pis-

tols in a forest adjoining the shooting range of Topschider, in Belgrade.

5. In order to make possible the crossing of the Bosnia-Herzegovina frontier by the conspirators and the smuggling in of their weapons, a secret transportation system was organized by Ciganovitch. The entrance of the criminals with their weapons into Bosnia and Herzegovina was carried out with the assistance of the frontier Captains at Schabatz (Rade Popovitch) and at Loznica, and the coöperation of the customs officer, Rudivoj Grbitch of Loznica, and several other persons.

In presenting the above note you will add verbally that you are instructed to leave Belgrade with the staff of the legation at the expiration of the time-limit mentioned in the note (forty-eight hours after the hour and day of its presentation) in the event that within that period you have not received an unconditional and favorable response from the Royal Servian government.

VIII. Count Berchtold to the Imperial and Royal Ambassadors at Berlin, Rome, Paris, London, St. Petersburg, and Constantinople

Vienna, July 22, 1914.

The Imperial and Royal Government has found itself obliged to address on Thursday, the 23rd instant, through the Imperial and Royal Minister at Belgrade, the following note to the Royal Government of Servia. (See instructions to the Imperial and Royal Ministry at Belgrade of July 22, 1914.)

I have the honor to request you to bring the contents of this note to the attention of the government to which you are accredited, accompanying this communication with the following comment:

On the 31st of March, 1909, the Royal Servian Government addressed to Austria-Hungary the declaration of which the text is reproduced above.

On the very day after this declaration Servia embarked on a policy of instilling revolutionary ideas into the mind of Serb subjects of the Austro-Hungarian Monarchy, and so initiating activities for detachment of the Austro-Hungarian territory adjoining the Servian frontier.

Servia became the focus of a criminal agitation.

No time was lost in the formation of societies and groups whose object, either avowed or secret, was the creation of disorders on Austro-Hungarian territory. These societies and groups count among their membership generals and diplomats, government officials and judges—in short, men at the top of official and unofficial society in the kingdom.

Servian journalism is almost entirely at the service of this propaganda, which is directed against Austria-Hungary, and not a day passes without the organs of the Servian press inciting their readers to hatred and contempt for the neighboring Monarchy, or to outrages directed more or less openly against its security and integrity.

A large number of agents are employed in carrying on by every means the agitation against Austria-Hungary and corrupting the youth in the frontier provinces.

Since the recent Balkan crisis there has been a recrudescence of the spirit of conspiracy inherent in Servian politicians, which has left such sanguinary imprints on the history of the kingdom. Individuals belonging formerly to bands employed in Macedonia have come to place themselves at the disposal of the terrorist propaganda against Austria-Hungary.

In the face of these activities, to which Austria-Hungary has been exposed for years, the Servian Government has not thought it incumbent on it to take the slightest step. The Servian Government has thus failed in the duty imposed on it by the solemn declaration of the 31st of March, 1909, and has acted in opposition to the will of Europe and the undertaking given to Austria-Hungary.

The patience of the Imperial and Royal Government in the face of the provocative attitude of Serbia was inspired by the territorial disinterestedness of the Austro-Hungarian Monarchy and the hope that the Servian Government would end in spite of everything by appreciating Austria-Hungary's friendship at its true value. By observing an attitude of good will toward the political interests of Serbia, the Imperial and Royal Government hoped that the Kingdom would finally decide to follow an analogous line of conduct on its own side. In particular Austria-Hungary expected a development of this kind in the political ideas of Serbia when, after the events of 1912, the Imperial and Royal Government by its disinterested and ungrudging attitude, made so considerable an aggrandizement of Serbia possible.

The good will which Austria-Hungary showed toward the neighboring State had no restraining effect on the conduct of the Kingdom, which continued to tolerate on its territory a propaganda of which the deplorable consequences were demonstrated to the world on the 28th of June last, when the heir apparent to the Monarchy and his illustrious consort fell victims to a plot hatched in Belgrade.

In the face of this state of things the Imperial and Royal Government has felt compelled to take new and urgent steps at Belgrade with a view to inducing the Servian Government to stop the incendiary movement which is menacing the security and integrity of the Austro-Hungarian Monarchy.

The Imperial and Royal Government is convinced that, in taking this step, it will find itself in full accord with the sentiments of all civilized nations, who cannot permit regicide to become a weapon to be employed with impunity in political strife and the peace of Europe to be continually disturbed by movements emanating from Belgrade.

In support of the above the Imperial and Royal Government holds at the disposal of the government to which you are accredited a dossier recording the Servian machinations and showing the connection between these machinations and the murder of the 28th of June. An identical communication has been addressed to the Imperial and Royal Representatives accredited to the other signatory Powers.

You are authorized to place a copy of this dispatch in the hands of the Minister of Foreign Affairs.

IX. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, July 23, 1914.

As England is the most likely of the Entente Powers to be brought to an unprejudiced judgment of our present move in Belgrade, I request your Excellency to point out among other things in the conversation which you will have at the Foreign Office on the 24th instant, following the presentation of the circular note, that it was within the power of Serbia to avert the serious steps she had reason to expect from our side, if she had spontaneously begun within her own territory proceedings

against the Servian accomplices in the murderous attack of the 28th of June, and to disclose the threads of the plot, leading, as it has been proved, from Belgrade to Serajevo.

Until to-day the Servian Government, in spite of much notorious circumstantial evidence pointing to Belgrade, not only has failed to do anything of that sort, but even has endeavored to efface the existing traces.

According to a telegraphic report from our Legation in Belgrade, the Servian State employee Ciganovitch, who is compromised by the corroborating depositions of the assassins, was still in Belgrade on the day of the murder; but when his name appeared in the newspapers three days later, he had left the town. At the same time the head of the Servian Press Bureau declared Ciganovitch to be absolutely unknown in Belgrade.

As to the short time limit of our demands, it is based upon our long-standing experience with Servian proficiency in procrastination.

We cannot allow our demands, which, as a matter of fact, do not contain anything unusual in the intercourse between states which ought to be living in peace and friendship, to become the object of negotiations and compromises; and, with due regard to our economic interests, we cannot accept a political method which would enable Serbia to prolong the crises at her pleasure.

X. Count Mensdorff to Count Berchtold

(Telegram.)

London, July 24, 1914.

Circular note just presented to Sir Edward Grey, who perused it attentively. With regard to No. 5 he asked for explanations, as the installation of Austrian officials in Serbia impressed him as equivalent to the termination of Serbia's independent sovereignty. I replied that coöperation of police officials, as in this instance, would not infringe upon the sovereignty of the State.

He regretted the brevity of the time-limit, which made it impossible to calm the first irritation and to induce Belgrade to give us a satisfactory reply. There would be time enough for an ultimatum should the answer prove unacceptable, he thought.

I explicitly pointed out our position. (Necessity to proceed against subversive agitation which threatened parts of the Monarchy; defence of our most vital interests, most complete failure of the conciliatory attitude we have shown up to now in our dealings with Serbia, which has had more than three weeks' time to institute a spontaneous inquiry concerning complicity in the murder, and so on.)

The Secretary of State repeated his apprehension with regard to the short time limit, but he admitted that what has been said about the complicity in the murder of Serajevo was justified, as are some of our demands.

He would be quite willing to regard the whole affair as concerning solely Austria-Hungary and Serbia. Yet he is very "apprehensive" of the possibility that several great Powers might be involved in war. Speaking of Russia, Germany and France, he remarked that the provisions of the Franco-Russian Alliance are probably somewhat similar to those of the Triple Alliance. I explained at length our point of view, and I repeated with emphasis that in this case we would have to remain firm in order to get some guarantees, as Servian promises hitherto never have been redeemed. I could appreciate his considering primarily the effect of our act upon the

peace of Europe, but indicated that, in order to understand our point of view, he ought to put himself in our place.

He did not wish to enter into a further discussion of this subject, and said it would be necessary for him to study the note more carefully. As a preliminary step he will confer with the German and the French Ambassadors, as he feels obliged to obtain an exchange of views first of all with the allies of Austria-Hungary and Russia, who, however, have no direct interests in Servia.

XI. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 24, 1914.

Have just read your instructions of the 22nd instant to the Minister of Justice, who is in charge of the affairs of the absent Foreign Secretary, and left a copy with him. M. Bienvenu-Martin, who was vaguely acquainted with our step in Belgrade through the reports in this morning's papers, seemed considerably impressed with my information. Without entering into a detailed discussion of the text, he readily admitted that recent events, and the attitude of the Servian Government, have made our energetic intervention appear intelligible.

Demand No. 5 of our note presented in Belgrade seemed especially to strike the Minister, as he asked me to read it again. The Minister thanked me for the communication, which, he said, would be studied closely. I took the occasion to emphasize the point that the issue was one to be dealt with exclusively by Servia and ourselves, but that it would be to the general advantage of Europe if the unrest perpetuated for years by the Servian agitation against us were, at last, to be replaced by a clearly defined political situation. I pointed out that all friends of peace and order, among whom I am counting France in the foremost place, should earnestly advise Servia to change her attitude fundamentally and to meet our legitimate demands.

The Minister conceded that it is the duty of Servia to proceed energetically against any accomplices of the assassins of Serajevo, which duty she would not be likely to evade. Emphasizing the sympathy of France with Austria-Hungary, and the good relations between the two countries, he expressed the hope that the controversy would be settled peacefully and in accordance with our desires.

The Minister avoided every attempt to palliate or defend the attitude of Servia.

XII. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 24, 1914.

Baron Schoen, following out his instructions, will declare to-day that our dispute with Servia is regarded by the Berlin Cabinet as an affair concerning solely Austria-Hungary and Servia.

In connection with this information, he will make it understood that, should a third power try to intervene, Germany, true to the obligations of her Alliance, would be found on our side.

XIII. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 24, 1914.

Baron Schoen has just taken the step enjoined upon him. M. Bienvenu-Martin told him that he could not yet give a definite reply, although he was prepared to say at the outset that the French Government shared our

opinion that our controversy with Serbia concerned only Vienna and Belgrade, and that hopes were entertained that the question would find a direct and peaceful solution.

The Servian Minister here has been advised that his Government should hold on all points as much as possible, yet with the restriction: "As long as her rights of sovereignty were not touched."

Baron Schoen emphasized the necessity, from the European point of view, of eliminating, at last, the center of unceasing disturbance in Belgrade.

XIV. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 24, 1914.

The Minister of Foreign Affairs received me with the remark that he knew the object of my visit, and declared that he would not define his position at once. I began to read my instructions to him. He first interrupted me when the series of murderous attempts was mentioned. My explanation was met with the question whether it had been proved that all those attempts originated in Belgrade. I emphasized the fact that they were the outcome of Servian instigation. In the further course of the reading he remarked that he knew what it all was about; that we intended to make war on Serbia and this was to be the pretext. I replied that our attitude during the last few years was sufficient evidence that we neither sought nor needed such pretexts. The solemn declarations demanded from Serbia did not evoke any objection from the Minister; he only repeated again and again that Pasitch already had expressed himself in the sense demanded by us, and interjected: "He will say that twenty-five times if you wish." I told him that no one in Austria was trying to infringe upon the integrity of Serbia or her dynasty. M. Sazonow most vigorously declared himself against the dissolution of the "Narodna Odbrana," which he assured me Serbia would never undertake. The Minister also objected to the proposed coöperation of Imperial and Royal officials in the suppression of the subversive propaganda. Serbia then, he pointed out, would no longer be mistress in her own house! "After that you will want to interfere again and again, and what will the life of Europe be like?" he asked. I replied: "It will be quieter than hitherto, if Serbia shows some good will."

The observations with which I accompanied the reading of the note were listened to by the Minister rather calmly. Our belief that our feelings in the matter were shared by all civilized nations, he declared to be erroneous. With all the emphasis of which I was capable, I pointed out how deplorable it would be if we were to fail to meet with a sympathetic response in Russia in a situation imperiling all that was most sacred to us as well as to Russia, whatever the Minister might choose to say. He endeavored to belittle the monarchical aspect of the question.

With regard to the dossier held at the disposal of the governments, M. Sazonow wondered why we had taken the trouble, since we already had issued an ultimatum. This proved conclusively, to his mind, that we did not desire an impartial investigation of the case. I replied that the results of our own inquiry were sufficient to justify our proceedings in an affair solely concerning Austria-Hungary and Serbia, but that, having nothing to conceal, we were quite willing to furnish the Powers with all the information they might desire.

M. Sazonow observed that the ultimatum having been issued, he

had no further interest in the proffered information. He presented the case in such a way as to make it appear that we were seeking a war with Servia under any circumstances. I replied that we are the most peace-loving power in the world, and that all we want is to safeguard our territory from foreign revolutionary intrigues and to protect our dynasties from bombs.

In the course of further discussion, M. Sazonow once more made the remark that we had certainly created a serious situation. In spite of the comparative calmness of the Minister's manner, his attitude was throughout one of negation and antagonism.

XV. Communiqué in the Russian Official Gazette

St. Petersburg, July 24, 1914.

The St. Petersburg Telegraphic Agency reports:

The Official Gazette publishes the following communication:

The Imperial Government, gravely alarmed by the surprising events in Belgrade and by the ultimatum addressed to Servia by Austria-Hungary, is following attentively the development of the Austro-Hungarian-Servian conflict, to which Russia cannot remain indifferent.

XVI. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 24, 1914.

After the Ministers had been in session for five hours, M. Sazonow received the German Ambassador in the course of the evening and had a long conference with him.

The Minister, probably as a result of the meeting of the Cabinet, advanced the opinion that the controversy between Austria-Hungary and Servia was by no means a matter that could be confined to these two States, but that it involved all Europe, inasmuch as the compromise arrived at in consequence of the Servian declaration in 1909 had been brought about under the auspices of the whole of Europe.

The Minister stated emphatically that he was affected in a particularly unpleasant way by the circumstance that Austria-Hungary had offered to submit a dossier for examination at a time when an ultimatum already had been sent to Servia. Russia would demand an international examination of the dossier which we had placed at the Minister's disposal. My German colleague at once drew M. Sazonow's attention to the fact that Austria-Hungary would not accept an intervention in her differences with Servia, nor would Germany consent to a suggestion incompatible with the dignity of her ally as a great power.

In course of the conversation the Minister stated that Russia could not remain indifferent to Austria-Hungary's possible intention to "dévorer le Serbie" (absorb Servia). Count Pourtalés retorted that he did not assume such an intention on the part of Austria-Hungary, and that any such purpose would be contrary to the Monarchy's own interests. Austria-Hungary only considered it necessary to inflict a fully deserved chastisement upon Servia. M. Sazonow expressed his doubts as to whether Austria-Hungary would abide by such a declaration.

The conversation ended with an appeal by M. Sazonow that Germany

coöperate with Russia for the maintenance of the peace. The German Ambassador assured the Minister that Germany had no desire to precipitate a war, but that she naturally would defend her ally's interests without reservation.

XVII. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, July 24, 1914.

Re: Your yesterday's telegram.

I request you to explain to Sir Edward Grey without delay that our representations of yesterday at Belgrade should not be regarded as a formal ultimatum, but merely as a note with a fixed time limit. You will give Sir Edward Grey the strictly confidential information, that, for the time being, the interruption of diplomatic relations with Servia and the beginning of the necessary military preparations would be the only consequences if the time limit should expire without result. We are absolutely determined to exact satisfaction of our legitimate demands.

You are authorized to declare that we shall, however, be compelled to demand indemnification from Servia for all expenses incurred in such military preparations, should Servia, after the expiration of the stipulated time, yield only under the pressure of the aforesaid preparations. It must be remembered that we already have had to mobilize twice on account of Servia, namely in 1908 and 1912.

XVIII. Count Berchtold to Count Szápáry, St. Petersburg

Vienna, July 24, 1914.

I received the Russian Chargé d'Affaires this forenoon, and explained to him that I made a special point of informing him as early as possible of our step in Belgrade, and of acquainting him with our point of view in this matter. Prince Kudascheff thanked me for this mark of consideration, but did not conceal his uneasiness at our summary proceeding toward Servia. He pointed out that it was feared at St. Petersburg that our action would involve the humiliation of Servia, an event to which Russia could not remain indifferent.

I endeavored to reassure the Russian Chargé d'Affaires on that score. I explained that our object was to obtain a readjustment of the intolerable attitude of Servia toward the Monarchy. For this purpose we endeavored to induce the Servian Government to make public disavowal of the existing hostile agitation against the integrity of Austria-Hungary, and to suppress it by administrative measures. We also desired an opportunity to satisfy ourselves that the measures adopted would be conscientiously carried out.

I emphasized the dangers which the continuation of the Great Servian propaganda involved, not only to Austria-Hungary's integrity, but also to the equilibrium and the peace of Europe. I moreover pointed out that the safety of all dynasties and not least of all, the Russian, would be threatened if the conviction were to spread broadcast, that murder could be employed with impunity as a weapon in a chauvinistic agitation.

Finally, I pointed out that we did not aspire to territorial aggrandizement but merely desired the maintenance of the status quo; a point of view that should be understood by the Russian Government.

Prince Kudascheff then observed that he was unfamiliar with the views of his government and he did not know what attitude Serbia would take with regard to several of the demands.

In concluding our interview the Chargé d'Affaires undertook to bring to his government's knowledge the explanations I had given him concerning our action, and especially promised to mention our assurance that we did not intend to humiliate Serbia.

XIX. Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, Paris, London, St. Petersburg and Constantinople

Vienna, July 25, 1914.

I have the honor to enclose herewith for you the dossier announced in the circular note to the Powers concerning the Pan-Servian propaganda and its connections with the Serajevo plot.

You will please communicate this dossier to the government to which you are accredited:

MEMOIR

The movement emanating from Serbia which aims at the detachment of the Southern Slav parts of Austria-Hungary from the Monarchy to unite them with Serbia, extends far back into the past.

The propaganda on Servian soil, always the same in purpose, varying merely as to means and intensity, reached its climax during the crisis of the annexation. Divesting itself of the protecting cloak of secrecy, this propaganda at that juncture emerged with an open confession of its tendencies. Under the patronage of the Servian Government, it strove to attain its object by every means at its disposal. While on the one hand the entire Servian press clamored for war against the Monarchy in a series of broadsides wherein the facts were maliciously distorted, on the other hand associations were formed in preparation for a struggle. There were also other means of propaganda.

The Narodna Odbrana was the most important among these. Ostensibly organized as a private society, it was entirely dominated by the Belgrade Foreign Office through the officers and State functionaries on its roll of membership. Among its founders were the following: General Bozo Jankovitch, former State Secretaries Ljuba Jovanovitch, Ljuba Davidovitch and Velislav Vulovitch; Professor Zivojin Dacitch (Barcitch), director of the State Printing Office, and the then Captains, now Majors, Voija Tankositch and Milan Pribicevitch. This society devoted itself to the recruiting and equipment of bodies of volunteers for the coming war against the Austro-Hungarian Monarchy. (See Enclosure 2.)

As an illustration of the activities of the Narodna Odbrana, the deposition of Trifko Krstanovitch, a subject of Bosnia and Herzegovina and a witness in the Common Pleas Court at Serajevo, will be of interest. This man was then in Belgrade and had been hired by the Narodna Odbrana as a "Komitadjii," together with other subjects of the Monarchy. With some hundred and forty other members of this band, Krstanovitch at the beginning of 1909 had been enrolled in a school established and managed by the Majors Voija Tankositch and Dusan Putnik in Cuprija (County of Jagodina) for the instruction and equipment of armed bands

of men. In it all the instructors were Servian officers. General Bozo Jankovitch and Captain Milan Pribicevitch made regular inspections of this three-months' course of education in irregular warfare.

The future "Komitadjis" were there instructed in shooting, bomb-throwing, laying of mines, blowing up of railways, tunnels and bridges, and the destruction of telegraph lines. It was their task to apply their newly acquired knowledge in Bosnia and Herzegovina under the orders of their commanders.

Through these activities of the Narodna Odbrana, which were carried on openly and were supported by the Servian government, the guerilla warfare against Austria-Hungary was organized. Subjects of the Monarchy were induced to commit acts of treason against their own country and were systematically trained to make treacherous attacks upon the defences of their country as Servian emissaries.

This period of aggressions was terminated by the declaration of the Servian Government on the 31st of March, 1909, wherein the latter declared its willingness to abide by the new political order created by the annexation of Bosnia and Herzegovina and solemnly pledged itself to maintain friendly relations with the Austro-Hungarian Monarchy in the future.

This declaration seemed to mark the end of the movement against Austria-Hungary, the source of so much unrest, and to point a path to a really friendly approach between Servia and the Dual Monarchy. Deprived of the assistance of the Servian Government, and checked by the latter as in duty bound, the hostile propaganda would have been reduced to a mere shadowy existence, sure to vanish.

In such an event the kinship of Servia with the Southern Slavs in the Dual Monarchy by race, language and traditions, would have stimulated a joint work of culture which would have been of common value to both countries. But expectations in this direction were not fulfilled.

The aspirations hostile to the Dual Monarchy remained in operation, and, under the very eyes of the Servian Government, which has done nothing to suppress this movement, the propaganda against Austria-Hungary was intensified. Rancor against the Dual Monarchy was kept at a high pitch, and by new instigations was made implacable.

In the same old way, adapted to the changed conditions and supplemented by new methods, the people of Servia were roused to a struggle of extermination against Austria-Hungary. In a systematic manner secret meshes were woven to and fro in the Southern-Slav districts of the Dual Monarchy, and the citizens of the latter were corrupted to betray their country.

Above all other agencies, the Servian press has not ceased to work in this direction. No less than 81 Servian publications had to be excluded from Austria-Hungary because their contents were in flagrant violation of the provisions of the domestic criminal code.

There was hardly a provision enacted for the protection of the august person of the Sovereign, members of the dynasty and the integrity of the State, which was not violated by Servian newspapers. A few specimens of these too frequent press utterances, selected from an abundant crop of such matter and referring to various periods, are tabulated in Enclosure I.

Without entering into a more minute discussion of these indications of public opinion in Servia, it must be stated that they habitually referred to the annexation of Bosnia and Herzegovina as an act of robbery committed against Servia and requiring remedy. This view is not only re-

peated over and over in the ultra-radical papers in all the degrees of filthy expression of which the Servian language is capable, but which finds practically open utterance in the "Samouprava," a publication closely connected with the Belgrade Foreign Office. (See lit. C of Enclosure 1.)

Attention must be directed likewise to the manner in which the Servian press treated the murderous plot of Bogdan Zerajitch on June 15, 1910, in Serajevo against the Governor of Bosnia and Herzegovina, General von Varesanin.

Zerajitch, as is known, committed suicide immediately after his deed, having previously reduced all his papers to ashes. Under these circumstances the motive of his plot could not be completely established. However, from a badge found on him, one might infer that he was a believer in Kropotkin's tenets. Investigation led to the conclusion that the crime rested on Anarchistic foundations.

The press of Servia, nevertheless, extolled the assassin as a Servian national hero and glorified his deed. And the "Politika" even voiced a solemn protest against the assumption that Zerajitch was an anarchist, claiming him as an "heroic Serb whose name every Servian will cherish with sorrow."

The day of the 18th of August of the same year (the birthday of his Imperial and Royal Apostolic Majesty) was chosen as the appropriate occasion by the "Politika" for a resumption of its discussion of the plot of Zerajitch, whose name is uttered by the people as something sacred, and to publish a poem extolling this murderous attempt (lit. A of Enclosure 1).

Thus this crime, which had nothing to do with Servian aspirations to territories belonging to the Dual Monarchy, was utilized for the propagation of subversive ideas. Through the glorification of Zerajitch, murder was expressly commended as a model weapon in the struggle to realize Servian ideas, and as a deed worthy of emulation. This sanction of murder as a legitimate method in the fight against the Dual Monarchy recurs later in the press comments on the murderous attempt of Jukitch against the Royal Commissioner, M. von Cuvay. (See lit. C of Enclosure 1.)

These sheets were not only circulated in Servia, but, as will be shown hereafter, were also smuggled into the Monarchy through well organized secret channels. It is these sheets that roused the masses and made them fertile soil for the activities of the associations antagonistic to the Monarchy.

The Narodna Odbrana became the focus of the agitation carried on by various organizations. The persons who had been at the head of this society at the time of the annexation were still its leaders. Now, as then, the most untiring and active organizers were the most violent enemies of the Dual Monarchy, to wit: General Bozo Jankovitch, Zivojin Dacitch, Director of the State Printing Office, and the Majors Milan Pribicevitch and Voija Tankositch. In its broader organization, which was under a strict hierarchical rule (see Enclosure 2 under "Organization"), the Narodna Odbrana soon included about 400 committees, all of which displayed a lively activity.

Under the same leadership as when it was founded, the Narodna Odbrana became the centre of an agitation to which the Sharpshooters' Association, including 762 societies; the Sokolbund, with 2,500 members; the Olympian Club, the Equestrian Society, "Knez Mihajlo," the Jägerbund, the Kulturliga and numerous other societies belonged. Owing to a constant mutual interchange, these organizations were practically amal-

gamated and to-day their membership constitutes one body, the Narodna Odbrana.

Thus the Narodna Odbrana extended its close-meshed net of agitation over the whole of Serbia, drawing to itself everybody who proved susceptible to the seduction of its ideas.

The spirit of the Narodna Odbrana is clearly disclosed by its official publications.

Disguised by its articles of association as a cultural organization, concerned solely with the intellectual and physical development of the population of Serbia, as well as with its material betterment, the Narodna Odbrana betrays the true and only reason for its existence, by the publication in its organ of the following programme of reorganization: Under the pretext that the Dual Monarchy is seeking to despoil Serbia of "her freedom and language and crush her utterly," the Odbrana pledges its members to preach to the people of Serbia, "fanatically and untiringly," the "holy truth" that the waging of a war of extermination against Austria-Hungary, Serbia's first and greatest enemy, is an imperative necessity; that this war must be carried on "with rifles and cannon," and that the people must be put in readiness "in every way" for "the struggle to liberate the oppressed territories where 7,000,000 of our enslaved brothers are suffering." (See Enclosure 2.)

The "cultural aims" of the Narodna Odbrana are completely dominated by this idea. They are means to the end of organizing and educating the people for the longed-for struggle of extermination against the Dual Monarchy.

The same spirit animates all the societies affiliated with the Narodna Odbrana. The Sokol Societies in Kragujevac (see Enclosure 3) are a case in point.

Like the Narodna Odbrana itself, these affiliated organizations are under the direction of army officers, professors and state officials. The opening address which the president of the society, Major Kovacevitch, delivered in 1914, at the annual meeting, omits all mention of athletics, the main object of a Sokol Society, and deals exclusively with the "preparations for the struggle" against the "dangerous, heartless, lustful, hateful and greedy enemy in the north," who is "depriving millions of Serbian brothers of their freedom and rights and keeping them in slavery and chains."

In the report of the management of this society all references to the nominal objects of its activities are relegated to the background. The report only indicates the real aims of the executive committee, to wit: the promotion of the national evolution and the strengthening of the "suppressed people," to the end that they may carry out their programme and accomplish that "great deed" which will be achieved in the near future—"the liberation of the brothers across the Drina, who are suffering the torments of the crucified."

Even the treasurer makes use of his financial report to sound a warning that it is necessary to "train falcons" which would be able "to bring freedom to the brothers not yet liberated."

Like the "cultural aims" of the Narodna Odbrana, the "athletic sports" of the Sokols are not an end in themselves but a mere means to advance the same propaganda, which is carried on with the same idea, and even with the use of almost identical words.

The Narodna Odbrana, in inciting the "people" to the struggle of extermination against the Dual Monarchy, appeals not only to the masses

in both Serbia, but to all Southern-Slavs. To the Narodna Odbrana the Southern-Slav territories of the Monarchy represent "our conquered Servian dominions." (Also see Enclosure 4.) Thus, the Southern-Slav subjects of the Dual Monarchy are asked to participate in this "national work," this "sound, vital work" beyond the Servian frontier. The Narodna Odbrana appeals for "heroes for this holy struggle" on the soil of the Dual Monarchy, where Oblitch, Sultan Murad's murderer, is pointed to as an example of national devotion, worthy of imitation.

To spur on the "brothers outside of Serbia" to participate in the "work of private initiative," the Narodna Odbrana keeps in close touch with the "brothers across the frontier." Nothing is said in the official organs of the society about the nature of this connection, presumably because it belongs to that part of the "general work" which, for manifold reasons, is not to be disclosed.

How extensive this branch of their activity is, however, can be gathered from the fact that both the Central Committee of the Narodna Odbrana and some of its regional committees maintain their departments "for Foreign Affairs."

This "foreign" activity of the Narodna Odbrana and of its affiliations is many-sided.

Relatively the least dangerous means of this agitation, because amenable to the control of the authorities, are the lecture tours which prominent members of the Narodna Odbrana undertake to south-eastern parts of the Dual Monarchy, where they address various societies on national and cultural subjects. On such occasions the opportunity is offered to the lecturer to recruit more or less openly for the above-mentioned societies, using words and expressions which carry a hidden meaning to the initiated.

In the ranks of these emissaries the above-mentioned director of the Servian State Printing Office, Zivojin Dacitch, plays a prominent part. Zivojin Dacitch had issued a proclamation to the Servian people on August 9, 1909, in which he designated Austria-Hungary as Serbia's enemy and exhorted the country to prepare for the war against the Monarchy. He undertook many trips for purposes of agitation to the south-eastern parts of the Austro-Hungarian Monarchy. In one of these lectures, delivered in Karloci (1912), he abandoned his usual caution and advocated the "union of all Serbs against the common enemy." His references to Austria-Hungary in this instance lacked nothing in clearness.

More menacing were the relations which the Servian societies, imbued with the spirit of the Narodna Odbrana, entertained with organizations in the Monarchy under cover of a unity of interests and culture. The mutual visits of these societies, made either in a body or by delegates, could not be controlled by the police and authorities, and were utilized by Serbia for the prosecution of many plans hostile to the Monarchy.

Thus, for instance, a delegate of the Narodna Odbrana at the notorious celebration of the Prosvjeta Society in Serajevo (September, 1912), did not hesitate to secretly enlist Bosnian members for his society. (See Enclosure 6.) The delegating of a representative of the Sokol Society at Kragujevac to this celebration was meant to convey this message to the "Brethren in Bosnia": "We have not forgotten you; the wings of the falcons of the Sumadija are still powerful." As to the proceedings at such meetings in Serbia, it is more difficult to report in detail. They are not under the control of the Imperial and Royal authorities, which have to collect their information at second-hand. (See Enclosure 3.) In this connection the visit of the students of Agram to Serbia in April, 1912,

may be recalled. This event took on the aspect of a strongly suggestive demonstration, by reason of an official military reception and a review of Servian troops in honor of the students. Not without justification in fact did the report of the business manager of the Sokol Society at Kragujevac refer to this event "as the beginning and germ of a great deed which shall be performed in the nearest future," as "a seed which will put forth shoots when the soul of the people shall have been warmed to the task until there shall be no barriers which cannot be torn down."

Only a short while ago the authorities of the Dual Monarchy were apprised of the fact that the Servian Sokol Societies effected a secret union with corresponding organizations in the Monarchy, of which the exact character, pending investigation, is not yet clearly established. Tentative results of this investigation indicate, however, that herein has been traced one of the channels through which the Servian Sokols and their friends are instilling their subversive aims into the minds of beguiled and misled persons in the Monarchy.

This preliminary propaganda, affecting masses as a whole, is, however, entirely overshadowed by the "foreign service work" performed by the Narodna Odbrana and its friends in their man-to-man canvass. This is the ground where the most deplorable results of the movement are evidenced. Through its secret emissaries and trusted agents, the agitation has stirred up unthinking youths as well as adults. Thus, Milan Pribicevitch induced the former Honvéd officers, V.B., D.K., V.N. and V.K., the last named a lieutenant in the Croatian-Slavonian gendarmerie, to desert the army of the Austro-Hungarian Monarchy under serious circumstances, and to flee to Servia. True it is that they have been disappointed in their hopes and some of them would gladly return to the country which they betrayed.

The agitation developed by Servia in the middle schools in Croatia and Bosnia is unfortunately too well known to require exemplification. It is probably not so well known, however, that those expelled from Croatian and Bosnian schools for gross breaches of discipline are welcomed with open arms in Servia, often subsidized by the State and educated as enemies of the Monarchy. Servian schools with their anti-Austro-Hungarian text-books and maps, and the large number of professors and teachers belonging to the Narodna Odbrana, lend themselves admirably to the training of these adepts. The following is a notable instance of this sort: In March, 1914, several pupils of the training college for elementary teachers in Pakrac (Croatia) had to be expelled on account of a strike. They went to Servia, where some of them immediately obtained appointments as teachers, while others were admitted to a training college for teachers. Affiliating with people hostile to the Monarchy, one of these expelled school strikers publicly declared that he and his friends, on the occasion of the visit to Bosnia of the heir apparent, would produce convincing proofs that Bosnia was a Servian land. It must seem at least strange that the Royal Servian District Prefect and Krajna issued Servian passports to three of these compromised students at the time of the visit of Archduke Francis Ferdinand to Bosnia, in which they were falsely designated as Servian subjects, although he could not have helped being aware of their Croatian citizenship. Provided with these passports, the three undergraduate teachers were able to enter, unrecognized, the territory of the Monarchy, where eventually they were identified and arrested.

These activities, however, do not exhaust the full scope of the "foreign" work of the Narodna Odbrana. For some time past the Imperial and Royal Government has had confidential information that military preparations

were being made for the longed-for war against Austria-Hungary and that Servian emissaries in the Dual Monarchy were under orders to destroy means of transportation and communication, after the manner of guerilla fighters, and to kindle revolts and cause panics in the event of an outbreak of hostilities. (See Enclosure 7.)

The criminal prosecution of Jovo Jaglicitch and his confederates in the Common Pleas Court at Serajevo in 1913 for the crime of espionage (see Enclosure 6) has produced evidence confirming this confidential information.

As at the time of its establishment, the Narodna Odbrana still has on its programme the preparation of a warfare of bands, supplemented by the development of a system of espionage. To-day the so-called "reorganized programme" of the Narodna Odbrana is in truth of broader scope, including the organization of the so-called "war of extermination" against the Monarchy and the unfurling of the "old red flag of the Narodna Odbrana."

Here, it will be seen, an atmosphere of hatred, promoted openly and secretly against the Dual Monarchy, prevailed. Coupled with it was an irresponsible agitation, availing itself of any means in the struggle against Austria-Hungary and remorselessly advocating common murder as the most efficient weapon. It is evident that out of such conditions acts of terrorism would be born, even without the active coöperation of anti-Austro-Hungarian individuals from Servia.

On June 8th, 1912, Luka Jukitch fired a shot at M. von Cuvaj, the Royal Commissioner, which fatally injured Councillor von Hervoitich, who was seated next to him in the carriage. In his flight Jukitch shot down a police officer who was pursuing him, and wounded two others.

The views expressed by Jukitch at the public hearing of his case, were in full accord with the basic ideas and plans circulated by the Narodna Odbrana. Although Jukitch had been brooding over his murderous schemes for some time, these projects really matured when he joined the pilgrimage of students from Agram to Belgrade on April 18th, 1912. During the celebrations given in honor of the visitors, Jukitch came in close touch with various persons within the sphere of the Narodna Odbrana and he had political discussions with them. A few days later Jukitch was again in Belgrade, where a Servian Major handed him a bomb and another sympathizer a Browning pistol, with which he carried out his attempt at murder.

The bomb which was found in Agram had been, in the opinion of experts, manufactured for military purposes in an arsenal.

Jukitch's attempt was a matter of recent memory when Stefan Dojcitch, who came from the United States to Agram, made a murderous attack in Agram on August 18th, 1913, upon the Royal Commissioner, Baron Skerlec — an act born of the "foreign" agitation carried on by the Narodna Odbrana and its confederates among the Southern-Slavs in America.

The pamphlet, "Natrag u staro ognjiste vase," published in Chicago by the Serb, T. Dimitrijevitich, contains unbridled invectives against His Imperial and Royal Apostolic Majesty and an appeal to the Serbs of the Dual Monarchy to leave America and return to Servia for the impending "liberation." This publication shows a remarkable parallelism between the unrestrained propaganda carried on by Servia in America and the agitation carried on by Servia in the territories of the Dual Monarchy.

Hardly a year later Agram was again the scene of a murderous attempt of this kind, which happily failed. On May 20th, 1914, Jacob Schäfer attempted to kill the Banus, Baron Skerlec, in the Agram theatre, which attempt was frustrated at the last moment by a police officer. The ensuing investigation uncovered a plot, of which the soul was Rudolf Hercigonja.

The depositions of Hercigonja and his five co-defendants made it plain that this plot also had originated in Servia.

Having participated in an unsuccessful attempt to free the above-mentioned Jukitch, Hercigonja had fled to Servia (October, 1912) where he and his accomplice, Marojan Jaksitch, associated constantly with "Komitadjis" and members of the Narodna Odbrana. As in so many other instances where premature dabbling in politics had driven youthful minds to frenzy, the result of this corrupting intercourse proved disastrous. Hercigonja brought home the dogma preached in Belgrade, that the Southern-Slav districts of Austria-Hungary must be detached from the Monarchy and united with the Kingdom of Servia. In this connection he had acquired the notion from his associations in Servia that this end could be attained solely by the perpetration of murderous plots against persons of high rank and leading statesmen of the Dual Monarchy.

Hercigonja sought to instill these ideas into the minds of his friends in Agram, some of whom he won over to his cause. In the foreground of his programme was an attempt upon the life of Archduke Francis Ferdinand, heir apparent to the throne.

A few months previously, proceedings in connection with a propaganda of high treason had been instituted against Luka Aljinovitch. In the course of the investigation three witnesses had deposed that Aljinovitch had declared in their presence that in 1913 he had received 100 dinars from the Narodna Odbrana and a like sum from a secret association of students for purposes of agitation and especially for an attack upon Archduke Francis Ferdinand.

These incidents indicate how the criminal activities of the Narodna Odbrana and its sympathizers had lately converged upon the person of the Archduke and heir apparent to the throne.

All these disclosures point to the conclusion that the Narodna Odbrana and the anti-Austrian circles affiliated with it in Servia, deemed that the time had come to translate their teachings into deeds.

It is noteworthy, however, that in these activities the Narodna Odbrana confined itself to furnishing the impulses for deeds of violence, and, when its seeds had sunk into fertile ground, to supplying the material means for their commission; but that it left the dangerous role of the "propaganda of deeds" solely to the misled youth of the Dual Monarchy, who had to bear the full burden of their sorry "heroism."

All the features of this method we find in the history of the origin of the deplorable murder plot of June 28, 1914. (See Enclosure 8.) Princip and Grabez are types of the youth whose minds had been poisoned in school by the teaching of the Narodna Odbrana.

In Belgrade, associating with a circle of students nourished upon these ideas, Princip conceived schemes to assassinate Archduke Francis Ferdinand, against whom the hatred of all Servian elements antagonistic to the Dual Monarchy had turned under the impetus of his visit to the annexed provinces.

Princip was joined by Gabrinovitch, a member of the same circles, whose erratic radical-revolutionary views had developed, according to his own admissions, under the influence of his surroundings in Belgrade and through perusal of Servian papers. Thus Gabrinovitch also drifted into ways hostile to the Monarchy and adopted the theories of "the propaganda of deed." Thanks to his antecedent dispositions, Grabez also quickly succumbed to the influence of these surroundings, which he had entered later.

But, howsoever far the matter may have developed and howsoever firm

the determination of the conspirators may have been to carry out the plot, it would never have materialized, had not other persons supplied the means for its accomplishment, as in the case of Jukitch. Princip and Gabrinovitch at their trial admitted that they had neither weapons nor money of their own.

It is interesting to note the quarters where the confederates tried to get their weapons. Milan Pribicevitch and Zivojin Dacicth, these two notorious leaders of the Narodna Odbrana, were the first whom they thought of as helpers in their hour of need, apparently because in the circle of would-be-murderers and plotters it had become a tradition to procure murderous weapons from those representatives of the Narodna Odbrana. The accidental circumstance that these two men were not in Belgrade at the critical time frustrated this plan; Princip and Gabrinovitch had no difficulty, however, in finding other helpers in the person of Milan Ciganovitch, a former "Komitadj" and now an official of the Central Servian State Railway in Belgrade, another active member of the Narodna Odbrana who had made his first appearance in its history as the graduate of a school for the training of bands in Cuprija in 1909. (See Enclosure 5.) Nor were they disappointed in Ciganovitch, who immediately gave them the required supplies.

Ciganovitch with his friend, the Servian Major Voijs Tankositch, likewise a leader of the Narodna Odbrana and a former director of the school of bands in Cuprija (see Enclosure 5), became now the intellectual leaders and promoters of the plot which they seemed to approve with an indifference characteristic of the moral qualities of the whole movement aimed at the Dual Monarchy. They had only one doubt in the beginning, and that was whether the three conspirators had firmly made up their minds to risk the deed. This hesitation, however, was soon overcome by the suggestive co-operation of the two Servian officials. Tankositch secured four Brownings with ammunition, and money for traveling expenses; six hand grenades from the Servian army stores supplemented this equipment, which in kind and origin invites comparison with the conditions in the Jukitch case. To make certain the success of the plot, Tankositch ordered that the conspirators be instructed in marksmanship, which task Ciganovitch assumed with a success now realized but too well. Special anxiety was evinced by both Tankositch and Ciganovitch in insuring secrecy about the plot. They supplied cyanide of potassium, with instructions that the perpetrators commit suicide with it after they should have performed their task. This precaution was to the sole advantage of the instigators of the deed, as the preservation of the secret would eliminate even the small risks which they had to assume in the undertaking. Certain death to the victims of its wiles, and complete security for themselves—such is the usual usage of the Narodna Odbrana.

To render possible the carrying out of the murder scheme, bombs and weapons had to be smuggled into Bosnia. Ciganovitch again acted as the helper, minutely designating to the conspirators the road which they should follow and enlisting the coöperation of the Servian frontier authorities to pass them into Bosnia. The manner of the organization of this passage, which even Princip found "mysterious," leaves no doubt of the fact that this was a well prepared and often utilized road for the secret purposes of the Narodna Odbrana.

In a matter-of-fact way which indicates long-established habit, the frontier captains at Schabatz and Loznica placed their entire staffs and administration at the disposal of the authors of the scheme. This mysteri-

ous means of travel, with its elaborate system of constantly changing guides, always ready on the spot, as if by magic, when they were needed, worked without a hitch. Without even inquiring into the object of this unusual trip of a few immature students, the Servian authorities, at the behest of the former "Komitadji" and subordinate railway employee, Ciganovitch, set the machinery of their offices running smoothly for the accomplishment of the task. There was, of course, no need of questions, as the instructions which they had received made it quite clear to them that another "mission" of the Narodna Odrbrana was to be carried out. The sight of the arsenal of bombs and revolvers elicited merely a benevolently approving smile from Grbitch, the customs officer on duty, which goes to show that on this "road" the sight of such contraband was quite customary.

The Royal Servian Government has assumed a heavy load in allowing all this to happen. Pledged to neighborly and friendly relations with Austria-Hungary, it has permitted its press to disseminate hatred against the Dual Monarchy. It has permitted the establishment, upon its soil, of organizations designed to conduct a revolutionary campaign against a neighboring state, under the leadership of high military and civil officials, teachers and judges. It has not suppressed the activities of men holding high posts in the state administration, who poisoned the national conscience to an extent that has made common assassination appear to be a commendable weapon.

ENCLOSURE 1

SERVIAN PRESS COMMENTS

(a) On the occasion of His Imperial and Royal Apostolic Majesty's 80th birthday, on August 18, 1910, the "Politika" published a large picture of Bogdan Zerajitch, who two months before this had attempted to murder Baron Varesanin, Governor of Bosnia. The accompanying article ran as follows:

Two months ago, on June 2nd, on the very day of the opening of the Bosnian-Herzegovinian diet, a Servian youth, the student Bogdan Zerajitch, attempted to murder the Governor of Bosnia and Herzegovina in Sarajevo, General Marian Varesanin. Zerajitch fired five shots at this renegade, who had assured his career in the famous uprising in Rakovica by shedding the blood of his own brethren. Owing to a peculiar accident, the attempt to kill him was unsuccessful. Thereupon brave Zerajitch, with the sixth and last bullet, blew his brains out and instantly fell dead.

In Vienna they knew full well that Zerajitch had not been prompted to attempt this murder by reading Russian and revolutionary writings. He had done this as a noble scion of a people, which in this bloody manner desired to protest against foreign rule. For this reason they tried to hush up the whole matter as quickly as possible and—also against their habit—tried to avert a trial, which would have compromised the Austrian Government in Bosnia and Herzegovina even more. In Vienna, the desire was expressed that the memory of Zerajitch be blotted out and that significance be denied to his murderous attempt. It is this fear of Zerajitch dead and the ban placed on his name throughout Bosnia

and Herzegovina, which has exalted his memory among the people as that of a saint—to-day, on August 18th, perhaps more than ever. On this day we also light a candle on his grave and cry: "Honor to Zerajitch!"

Here are appended some verses, which in rough translation run as follows:

Bosnia lives, death not yet has come unto her;
In vain her body have you entombed;
A fettered victim, she still flashes her fire.
Time is not yet to intone her dirge.
With devilish hands you scratched upon the grave,
Yet will the living dead not go down to rest.
Emperor, harkest thou? In the flash of the gun
Those bullets of lead how they whiz by thy throne?
Not slaves they; no, 'tis freedom divine
Shining forth from the brave hand of the conquered.
Why quaketh thus that terrible Golgotha?
In defense of Christ, Peter drew his sword.
His hand fell, but from his blood
A thousand more brave hands will rise;
Yon shot was but the first messenger
Of the Servian Easter that shall follow Golgotha's pain.

(b) On October 8, 1910, on the anniversary of the annexation of Bosnia and Herzegovina, the "Politika" and "Mali Journal," the latter with black borders, published violent attacks upon Austria-Hungary.

Europe must take note that the Servian people still thirst for revenge. . . . The day of revenge must arrive; the feverish efforts of Serbia to organize her army are a token of this accounting to come, as is the hatred of the Servian people for the neighboring Monarchy.

Such were some of the expressions used by these journals. On the same occasion the "Samouprava" on October 9, 1910, said:

Invective and excesses are not the effective expression of genuine patriotism. It is solely through calm and dignified work that the goal can be reached.

(c) On April 18, 1911, the "Politika" wrote:

With the exception of a few cynics nobody in Serbia would look with favor upon a visit of King Peter to Vienna or Budapest. The annexation of Bosnia and Herzegovina has once for all shattered even the semblance of friendship between Serbia and Austria-Hungary. This every Servian feels.

(d) The "Belgradske Novine" on April 18, 1911, wrote as follows:

Most of the men close to the Government disapprove King Peter's projected visit to Emperor Francis Joseph. The storm of indignation which stirred all Servians because of this proposed trip of the King is quite natural.

(e) The "Mali Journal" of April 19, 1911, has this to say:

King Peter's visit to the Sovereign of Austria-Hungary would mean an insult to all Servia. Through this visit Servia would lose her claim to Piémont's part. Servia's interests can never be identified with Austria's interests.

(f) On April 23, 1911, the "Politika," "Mali Journal," "Tribuna," "Belgradske Novine" and "Vecernje Novosti" thus comment on the proposed visit of King Peter to the court of Vienna:

Between Servia and Austria-Hungary there never can be friendship. King Peter's proposed visit means, therefore, "an infamous capitulation," "a humiliation to Servia," "a solemn sanction of all the crimes and misdeeds committed by Austria-Hungary against Servia and the Servian people."

(g) On April 18, 1912, the "Trgovinski Glasnik" publishes an editorial entitled "Austria's Collapse," which reads in part:

In Austria-Hungary there is ruin in every direction. What is happening beyond the Danube and Save is no longer a German, Magyar, Bohemian or Croatian crisis, but a general Austrian crisis, a crisis of the dynasty itself. We Servians view with satisfaction such a course of affairs in Austria.

(h) In an article entitled "The Frontiers of Albania" the "Balkan" attacks Austria-Hungary as follows:

If Europe is too weak to call a halt on Austria, Montenegro and Servia will do so by shouting to Austria: "Stop; you shall go no further." War between Austria-Hungary and Servia is inevitable. We have dismembered the Turkish Empire; we shall likewise rend Austria asunder. We have ended one war; now we are facing another.

(i) The "Vecernje Novosti," April 22, 1913, publishes a plea to the travelling Servian public and Servian business men to boycott the Danube steamship company. It says:

Nobody should travel on the ships of this Austrian company, nor should anybody transport cargo on them. Whoever does this, should be fined by a committee. The fines would go into the fund of the Komitadjis, which is to be utilized in the coming war with Austria.

(k) The "Tribuna," May 26, 1914, on the occasion of Austria-Hungary's occupation of Ada Kaleh, publishes the following:

Criminal black-and-yellow Austria has again played a burglar's trick. She is a thief, who, if she cannot steal a whole bag of money, contents herself with one dinar.

(l) On June 10, 1913, on the anniversary of the attempted murder of the Royal Commissioner in Agram by the student Luka Jukitch, Servian papers published commemorative articles. Says the "Pravda" in one article:

It must hurt the soul to its depths that not everybody has acted as our Jukitch did. We have Jukitch no more, but we have hatred and anger; we have to-day ten millions of Jukitch. We are firmly convinced that Jukitch, through the window of his prison, will soon hear freedom's last gunshot.

(m) "Mali Journal," October 7, 1913, published an editorial wherein the right of existence is denied to Austria-Hungary and all Slavic nationalities are called upon to second the offensive war, which Serbia planned to start soon.

(n) The "Piémont," October 8, 1913, has this to say on the anniversary of the annexation:

To-day five years have elapsed since an Imperial decree extended the sceptre of the Hapsburgs over Bosnia and Herzegovina. The people of Serbia will feel the pain inflicted upon them on this date for many another decade. Humiliated and bereft, the Servian people moaned in despair. The nation made vows to wreak vengeance and to win freedom by heroic measures. This day has come again to rouse the slackened energies of the race. To-day, Servian graves dot the ancient Servian countries; Servian cavalry is treading on the battlefields of Macedonia and Old-Servia. The people of Serbia, having finished their task in the South, now turn in the opposite direction, whence the moans and anguish of the Servian brother come to them, and where the gibbet is set up. Servian soldiers, to-day, fighting these Albanians, stirred up in Dusan's Empire by the State which took Bosnia and Herzegovina from us, have vowed that they will proceed in a similar way against the "Second Turkey," as they have dealt by God's help with the Turkey of the Balkans. They take this pledge, confident that the day of vengeance is approaching. One Turkey has disappeared. The good God of Serbia will grant that the "Second Turkey" shall also disappear.

(o) The "Mali Journal" of November 4, 1913, publishes this:

Any thought of a reconciliation with Austria-Hungary is equivalent to treason against the people of Serbia. Serbia must reckon with the facts and forever bear in mind that Austria-Hungary is her dangerous enemy and that to fight that monarchy must be the most sacred duty of every Servian Government.

(p) Thus the "Pravda" of January 14, 1914:

Our new year's wishes go first to our not yet liberated brothers, groaning under an alien yoke. Servians may well persevere; after Kossovo came Kumanovo, and our victorious march is not yet ended.

(q) The "Novosti" of January 18, 1914, published a picture of the religious ceremony of the blessing of the waters in Bosnia, in connection with the following text:

Servians maintain their customs without modification even in lands which groan under foreign rule, until the day of freedom shall find them united in enthusiasm.

(r) The "Zastava" in the issue of January, 1914, admits that "Servia incites the Austro-Hungarian Serbs to revolution."

(s) The "Mali Journal" of March 9, 1914, has this to say:

Servia can never forget the rattling of Francis Ferdinand's sabre on the occasion of the Scutari affair.

(t) The "Zastava," April 4, 1914, publishes this:

The Austrian statesmen who promote a policy of hatred, a policy of bureaucrats, not a far-reaching policy, are themselves bringing about the ruin of their state.

(u) The "Pravda" of April 8, 1914, makes the following comment:
Austria has lost all rights to existence.

(v) In the Easter issues (April, 1914), all Servian papers express hope that their "unliberated, conquered and oppressed brethren may soon celebrate a glad resurrection."

(w) The "Tribuna" of April 23, 1914, says:

The Pacifists have discovered a new slogan: that of "Europe's patriotism." This programme can be carried out only if Austria is divided.

(x) The "Mali Journal" of May 12, 1914, says:

What is a crime in private life Austria calls politics. History knows only one monster, and that monster is Austria.

ENCLOSURE 2

EXTRACT FROM THE "NARODNA ODBRANA," THE OFFICIAL ORGAN OF THE SOCIETY OF THE SAME NAME, PUBLISHED BY THE CENTRAL COMMITTEE OF THAT SOCIETY. (NARODNA ODBRANA, IZDANJE STREDISNOG ODBORA NARODNA ODBRANE. BEOGRAD, 1911. NOVA STAMPARIJA "DAVIDOVIC," DECANSKA ULICA BR. 14. LJUB. DAVIDOVICA.)

In a brief preface to this pamphlet it is pointed out that the publication "does not represent a complete, exhaustive analysis of the total general work of the Narodna Odbrana, as for many reasons it neither should nor could do that."

This publication is divided into three parts, the first of which consists of fourteen Chapters setting forth a sort of programme, while the second contains a report on the activity of the society and the third consists of sample rules for the organization of similar societies beyond the frontiers of Servia.

In Chapter I., entitled "Genesis and Activity of the first Narodna Odbrana," it is pointed out that this society was the outcome of the popu-

lar movement which swept over Serbia after the annexation of Bosnia-Herzegovina, and had the following object:

- (1.) To arouse, encourage and strengthen national sentiment.
- (2.) To enroll and recruit volunteers.
- (3.) To form volunteer-units and prepare them for armed action.
- (4.) To collect voluntary contributions in money and supplies for the realization of the task.
- (5.) To organize, equip and drill special irregular troops ("committees") for special, independent warfare.
- (6.) To institute movements in all other ways for the defense of the Servian people.

In connection with the above, it is pointed out that on account of the recognition by the Great Powers of the annexation of Bosnia-Herzegovina, a stop was put to the work of the society, whereupon under the by-laws the programme of the Odbrana was reorganized and a new work was started in order that the "old, red war-flag of the Narodna Odbrana might again be unfurled" if a similar situation should arise.

In Chapter II., entitled "The New Narodna Odbrana of To-day," is the following passage:

Experience taught us in the days of the annexation that Serbia was not prepared for the struggle which circumstances imposed upon her. The struggle which Serbia has to assume is more serious and difficult than was thought. The annexation was merely one of the blows dealt to this country by the enemies of Serbia. It was a blow preceded by many other blows, which will be followed by still others. In order that a new surprise attack may not find Serbia in an equally unprepared state, it is necessary to prepare ourselves for work.

The preparation of the people for a forward movement in all directions of national work in conformity with the requirements of modern times, is set down as the object of this "work" in which the mass of the people must take part. As a means to attain this end, a strengthening of national consciousness, athletic sports, economic and hygienic welfare, the raising of the level of culture, etc., are conspicuously enjoined upon the individual and upon the society, next to the state itself.

In Chapter III., "The Three Chief Problems," it is declared that the annexation taught that the national consciousness in Serbia was not so strong as it should be in a country which, with a population of less than three millions, constituted the hope and mainstay of seven millions of the subjugated Serb people. The first problem of the society was, therefore, to strengthen the national consciousness. The second problem was the promotion of physical training; the third was to accomplish the goal of proper valuation of these sporting activities.

In the fourth chapter, "About Shooting," the value of a good training in marksmanship, especially for the Servian contingents, is emphasized, inasmuch as there the military training lasts only six months. These remarks conclude with the sentence:

A new blow like the annexation must be met by a new Servian people, in which every Serb, from childhood to old age, must be a sharpshooter.

Chapter V., which treats of "The Relation of the Narodna Odbrana to the Sokol Societies," begins with a general discussion of the conditions for the strength of States in culture and political life. In this connection the decline of Turkey is pointed out, and it is added:

The old Turks of the South are disappearing little by little, and only a part of our people still suffer under their rule. But new Turks come from the North, more terrible and more dangerous than the old. Stronger in culture and economically, the northern enemies attack us. They wish to deprive us of our freedom, to suppress our language, to crush us. The preliminary symptoms of the approaching struggle are perceptible. The Servian people face the question, "To be or not to be."

"What Do We Desire in the Lectures?" is the heading of chapter VII., the gist of which is summed up in the sentences:

The Narodna Odbrana instituted lectures which were more or less lectures of agitation. The programme of our new work was developed. At every lecture the annexation was spoken about, the old Narodna Odbrana and the tasks of the new. The lectures will never cease to be lectures of agitation, but they will always develop more and more into individual channels and concern themselves with every question of our social and national life.

Chapter VIII., "Woman's Activity in the Narodna Odbrana," IX., "Work with reference to details and secondary matters" and X., "Renaissance of the Association," while referring to the task of the Narodna Odbrana, deal with the preparation and intensification of the association's activity, and with the necessity of regenerating individuals, the nation and the state.

Chapter XI., "New Obilitch * and Singjelitch," says by way of introduction:

It is a mistake to assert that Kossovo is a thing of the past. We are in the midst of Kossovo. Our Kossovo to-day is the darkness and ignorance in which our people live. The other reasons for the new Kossovo exist on our borders at the north and west: The Germans, Austrians, and Swabians (Schwabas), with their encroachment upon our Slav and Serb South.

The heroic deeds of Obilitch and Singjelitch are pointed out, and the necessity of self-sacrifice in the service of the nation, and it is added:

The national cause involves sacrifices, namely, in Turkey and Austria, where such workers are persecuted by the authorities, thrown into prison, and brought to the gallows. For this battle against darkness and ignorance, too, such heroes are needed. The Narodna Odbrana does not doubt that in the battle with rifles

* NOTE.—Milos Obilitch (also Kobilitch), Servian tradition tells, crept into the Turkish camp after the battle of Kossovopolie, or Kossovo, and murdered Sultan Murad. (cf. von Kallay, "History of the Serbs," Vol. I.)

Stephan Singjelitch, Knez of Resara, played a part in the Servian revolt of 1807-1810. In 1809 Singjelitch defended the redoubt of Tschagar against the Turks, and it is said that when he realized he was no match for the superior forces opposed to him numerically, he blew up his position and part of his men, together with many Turks, (von Kallay, "The History of the Servian Revolt.")

and cannon against the Schwabas and our other enemies our people will furnish a host of heroes. But the Narodna Odbrana is not satisfied with that, for it regards the present so-called peaceful relations as a state of war, and calls for heroes likewise for this struggle which we are waging in Servia and beyond the border.

Chapter XII. is headed "The Union With the Brothers and Friends," and its significance is suggested by the following sentences:

Among the main problems of the Narodna Odbrana is that of maintaining the union with our near and distant brothers beyond the border and the rest of our friends in the world. By the word "people" the Narodna Odbrana is meant our entire race, not only those in Servia. It hopes that the work done by it in Servia will spur the brothers outside of Servia to more active participation in the work of private initiative, in order that the new upward movement to-day for the creation of a powerful Servian Narodna Odbrana shall proceed in common in all Serb territories.

In chapter XIII., which is headed "Two Important Problems," occurs the following:

Inasmuch as we take the ground that through the annexation of Bosnia and Herzegovina the encroachment upon our territories from the north has been fully revealed, the Narodna Odbrana regards Austria-Hungary as our greatest enemy.

This work (namely, to designate Austria to the Servian people as its greatest enemy) is regarded by the society as a vitally necessary task, as its fundamental duty. Then the book continues:

As once upon a time the Turks poured in upon us from the south, so Austria-Hungary to-day is attacking us from the north. If the Narodna Odbrana preaches the necessity of a war against Austria-Hungary, it is preaching a holy truth of our national situation.

The hatred arising as a result of this propaganda, it is pointed out, is not to be regarded as the goal, but as a natural phase of the work whose purpose is independence and freedom. If hereby hatred against Austria is engendered, it is Austria who sowed it through its course, a course which "makes necessary the war against Austria until that monarchy is exterminated."

The modern conception of the national idea is extolled, and it is remarked that in talking about "deliverance and union" too much work is done with phrases. The people must be told:

The liberation of our alienated Serb territories and their union with Servia is necessary for our gentlemen, our merchants, our farmers, for the most fundamental requirements of culture and trade, for space and for bread. Recognizing this, the people will lay a hand to the national work with a will and great self-sacrifice. Our people must be told that the freedom of Bosnia is necessary for the latter, not only out of pity for the brothers there suffering, but also for the sake of trade and for an outlet to the sea.

The "two tasks" of the Narodna Odbrana are then summed up in the following closing sentences:

Besides the task of explaining to the people the danger threatening it from Austria, the Narodna Odbrana has the more important task of carrying home to the people, with complete preservation of the holy national memories, this new healthy conception, so mighty in its results, of nationalism and of work for freedom and union.

Chapter XIV., the concluding division, opens with an appeal to the Government and the people of Serbia to prepare with all means for the conflict "which the annexation foreshadowed."

In these passages the activities of the Narodna Odbrana are once more recapitulated:

Since the Narodna Odbrana works in accordance with the spirit of the time and in conformity with the altered circumstances, maintaining at the same time all connections that were formed at the time of the annexation, it is the same to-day as it was then. It is to-day Odbrana (defense); it is also to-day Narodna (of the people). To-day, too, it rallies to its banners the citizens of Serbia as it did at the time of the annexation. At that time the cry was for war; to-day the cry is for work; at that time meetings, demonstrations, volunteer committees, rifles, and bombs were called for; to-day silent, fanatical, indefatigable work is required, and more work in the direction of the tasks and duties which we have indicated, as temporary preparation for the battle with rifle and cannon that will come.

On the subject of the organization of the Narodna Odbrana, this annual report of the society contains the following:

A central Committee with its seat at Belgrade conducts all the minutes of the Narodna Odbrana. All other committees of the Narodna Odbrana are subordinate to this. The Central Committee is divided into four sections: for educational work, for physical training, for financial collection, and for foreign affairs.

District committees, whose headquarters are at places where there are political authorities, direct the affairs of the respective districts.

Town societies are the directing organizations in the individual towns.

Trusted men are to be found in those places within the country where there is no need of forming a committee.

Societies which "stand in closest relations with the work of the organization of the Narodna Odbrana" and are supported by the latter are: the Sharpshooters' Union, with 762 societies; the Sokol Union, "Dusan Silni," with 2,500 members; the Olympic Club, the Riding Society, "Knez Mihaljo"; the Hunters' Union and the Culture League.

All these societies are similarly organized as the Narodna Odbrana, utilize the quarters of the latter, namely, society houses, libraries, etc.; prominent members of these societies are chairmen of committees of the Narodna Odbrana.

ENCLOSURE 3

EXTRACT FROM THE "REPORT OF THE ACTIVITIES OF THE SOKOL SOCIETY DUSAN SILNI IN KRAGUJEVAC IN THE YEARS 1912 AND 1913." (KRAGUJEVAC, "BUDUCNOST" PRESS, TIH. LEKITCH, 1914.)

At the head of this report appears the address with which the President of the society, the Royal Servian Major Kovacevitch, greeted the annual meeting in January, 1914:

It is known to you that the Sokol institution, born in the battle against Germanism, is a purely Slavic institution, which pursues the aim of uniting all Slav brothers, to inspire them with enthusiasm and through education and force to prepare for the battle against the foe of Slavdom.

We Serbs, as a part of the great Slav community, have adopted the Sokol idea and joined hands in the common work for our own welfare and that of our brothers.

We Serbs, too, will live and work in the spirit of the Sokol, for we wish to revive the weary and exhausted, to strengthen the weak and anxious, to free the captives and the enchained. We have done this both at present and in former wars. We have delivered a part of our brothers from the arrogance of the enemy in the south. We have torn away their chains, have freed them from pain, and have given them freedom so that in it they may enjoy happiness, equality, and fraternity.

After some words of praise of this "noble work" which "realized a part of the great Sokol idea," Major Kovacevitch continued:

But, my brothers and sisters, our enemy in the north is more dangerous and heartless because economically and culturally he is stronger.

This enemy is insatiable in his lust; he holds millions of our brothers in chains and slavery. He deprived them of freedom and law, and subjugated them to his service. The brothers cry and beg for speedy help.

We may not abandon them to the mercy of this terrible and devouring foe. Rather must we hasten to their assistance, because to do that is our duty. Could we, in the last analysis, be happy if so many of our brothers live, suffer, and complain in slavery?

Brothers and sisters!

The foe is dangerous, lustful, and vicious. Let us always be on our guard.

Let us work with greater eagerness and self-sacrifice. Let us be faithful in our holy Sokol duty, true and persevering.

Let us prepare for the struggle and for the support of the just Sokol idea.

Let us unite with the numberless swarms of Sokols and let us always think of that truth which the Servian Sokolists have inscribed on their banner: That only a healthy, strong, nationally conscious, and well-organized people is fit to defend itself, to give battle, to conquer.

To this address of the President is appended the report of the Executive Committee. After summarizing the results achieved in the last wars, which hampered the society in its activities for two years, it points out:

The day has come on which we return to our work because our programme is not yet fulfilled and our task not yet completed. A large part of our people still endure the suffering of the Crucified Christ; we must still visit our brothers beyond the Drina; we must still seek the City of Serajevo and the heritage of the holy Sava; we must see to the homeland of Marina Novak, of Deli Radivoj, and the old Vujadin; we must cross the hills of Romanija and see why Travnik has wrapped himself in mist; some day that song must cease. Woe, Bosnia, thou orphan before God, hast thou nowhere people of thy tribe?

After a discussion of the various undertakings of the society, emphasis is laid on the fact that the society maintains relations with "the brother societies beyond the Save and Drina," and special emphasis is laid on the sending of delegates to the celebration of the Prosvjeta at Serajevo. In this connection the report says:

By sending these delegates to the brothers in Bosnia the committee intended to say to them: "We have not forgotten you. The wings of the falcon of Sumadija are still mighty."

After a detailed account of a visit of Agram students to Serbia and the consecration of the flag of the "Society of the Sober Youth" the report of the Executive Committee ends with these sentences:

The administration knows how properly to value these phenomena—the arrival of the brother Croats in the Sumadija and the convening of the "Sober Youth" from all districts in Serbdom, and it will be no exaggeration to say that these events signify the beginning and germ of a great deed that will be enacted in the very near future.

They are the expression of a great and until now silent, awakening of the national consciousness and strength of a down-trodden race, which is not permitted to arise and unite. Only a while longer and this germ will ripen, and when the popular soul expands still more there will be no restrictions that it cannot tear to pieces, no obstacles in its path which it will not be able to overcome. The work of strengthening this power, the coöperation in and hastening of the course of this national development, the development and support of this idea, was always the goal of the administration's actions.

The report of the Treasurer in the first place names all those who liberally supported the society: the District Committee of the Narodna Odbrana in Kragujevac, especially its cavalry section, which frequently has come to the assistance of the Sokol Society with precious help; the Director of the gymnasium at Kragujevac, who always "showed his active paternal interest" in the Sokols; the Divisional Commandant of the Sumadija, who liberally supported the society; the President of the District Court in Kragujevac, the district chief, and the community leader in Kragujevac.

After the Treasurer has memorialized the members of the society who had been killed in the war he concludes his report with the following words:

After such a brilliant victory over a part of our enemy the society's leaders hope that all of you from now on will devote yourselves even more fully and joyfully to the activities of the Sokol institution, so that in our falcon aerie you may train falcons which at a given time will be able to soar aloft and on their mighty pinions bring to all our unliberated brothers fraternity, love, and freedom.

The annual report is signed by Major M. J. Kovacevitch as President, by the Court Secretary, D. V. Brzakovitch, as Secretary, and by ten members of the board, among whom are two Professors (Emil Lukitch and Milan Jankovitch), as well as one other officer (Infantry Major Michael Vasitch).

From this annual report and from a table sent out by the Kragujevac Sokol Society to the "Srpski Sokol" in Tuzla for filling out, and likewise signed by Major Kovacevitch and Court Secretary Brzakovitch, it appears that the Sokol societies in Servia were linked with organizations of the same kind in the Monarchy in closer relations than had heretofore been the case.

ENCLOSURE 4

THE SERVIAN OFFICIAL GAZETTE IN THE SERVICE OF THE NARODNA ODBRANA

The Servian official gazette, "Srpski Novine," of June 28, 1914, contained as a supplement an appeal to the Narodna Odbrana which was furnished to all subscribers to the gazette. This appeal contained the following passages:

Brothers and Sisters: Only a part of Kossovo has been avenged, only a part of St. Vitus Day atoned for. Throughout the lands in which our popular tongue is heard—the Servian, Croatian, and Slavonic—from Kikinda to Monastir, from Trieste to Carevo-Selo, extends the significance of St. Vitus Day and of Kossovo. As many national souls still weep upon its territory, as many chains still press our brothers, as much work is still to be accomplished, and as much must we still sacrifice. St. Vitus Day might formerly have denoted a day of mourning for us, but to-day, when we have gone far into our new history, when back of us stand great and glorious national events, and still greater and more glorious ones still await us, to-day when we are in the midst of the creation of the great national State, St. Vitus Day must be for us a day of great rejoicing and pride for what has taken place, since it sprung from that day, and still more because of what is to come. Servian men and Servian women! Millions of our brothers, Slavonians, Croatians, and Serbs, outside of our borders look upon us to-day, the children of the kingdom, and their breasts swell with hope and joy as they look upon our majestic manifestations of to-day for the national cause.

God helps the brave! Forward all! That part of our holy task that has not yet been accomplished summons us, that part which is still to be accomplished. St. Vitus Day, 1914, in Belgrade.

ENCLOSURE 5

TESTIMONY OF TRIFKO KRSTANOVITCH ABOUT THE NARODNA ODBRANA

Trifko Krstanovitch, a journeyman baker of Zavidovitchi, was arrested on the night of July 6-7, 1914, because by a remark made by him shortly after the assassination of Archduke Francis Ferdinand to the effect that this assassination was to have been expected, he had rendered himself suspicious of having had advance knowledge of the conspiracy.

He was, therefore, brought to the district court at Serajevo. In the examination of the prisoner it developed that the suspicion against him was not justified by the remark he had made, inasmuch as the remark was based solely on his former knowledge of the activities of the Narodna Odbrana and had merely been an expression of his opinion that in the agitation in Servia against the Austro-Hungarian monarchy, and especially against Archduke Francis Ferdinand, such an act was to have been expected. The prosecution of Krstanovitch was, therefore, dropped for lack of evidence, and the prisoner was examined as a witness with a view to his knowledge of the activities of the Narodna Odbrana, which was considered important for the purposes of the investigation.

The following extract from his sworn testimony on July 19, 1914, is of pertinent interest:

In the Autumn of the year 1908 I crossed the border to Servia on the Mokra Gora at Visegrad, in search of employment. I went to Bajina Basta in the Uzice district, and as I found no employment there I went to Belgrade, where I arrived at the time of the announcement of the annexation of Bosnia and Herzegovina. Inasmuch as I saw that on account of the annexation great excitement and commotion had been aroused among the populace and that I would be unable to find any sort of employment, I entered the Imperial and Royal Consulate in order to be helped home. But as I left the Consulate a gendarme grabbed me on the street and asked me where I came from. Thinking me to be a spy, he took me to a police station. Here I was questioned, and when I told them that I would like to go home a subaltern officer began to abuse me, asking why I wanted to leave Servia at this time, when they needed men more than ever because there might be a war with Austria. When I told him that I had nothing to live on, he replied that I would get all I needed if I would enroll with the committee. In my distress I agreed, and a gendarme led me into the Hotel Zelenou Vijencu (The Green Garland) and there introduced me to Voija Tankositch, the leader of the committee and a Captain in the regular army. Here I received board and lodging, and, as I saw, others of the committee lived here.

Voija Tankositch told me it was the purpose of the committee to give training in bomb throwing, in the destruction of bridges,

tunnels, telegraph and railway lines, because things might easily lead up to a war between Austria and Servia. Thereupon a man led me into a house of smaller area adjoining the Ministry of Finance, where the offices of the committee were, and here in the office I met Milan Pribicevitch, who registered me in the committee. At this registration Milan Pribicevitch asked me if Voija Tankositch had told me what my duties as a committeeman would be, and I answered "Yes." He told me that the men who had been registered must be efficient, strong, and ready to make sacrifices. At that time we had been registered to the number of about seventy. We did nothing in Belgrade.

After about a month and a half our leader, Tankositch, informed us that the Great Powers had ordered the dissolution of our committee and that we must leave Belgrade and hide in some out-of-the-way place. They sent us to the town of Cuprija. Here we were trained by the officers Voija Tankositch, Dusan Putnik, Zivko Gvozditich, and Mitar Djinovitch, who was involved in the Montenegrin bomb affair and who was shot in Montenegro. We were forbidden to associate with the people of the place, so that nothing might be disclosed about our objects and our numbers. We practiced throwing bombs, laying mines, and destroying telephone and railroad lines, tunnels and bridges. Every fortnight we were visited by Milan Pribicevitch, Gen. Bozo Jankovitch, and the apothecary Skaritch, the delegate Zivko Rafajlovitch, a certain Gilsitch Milutin, an official in the Ministry of Finance, and these watched as we practiced and each time paid the expenses of our keep. Our teachers told us that as soon as war should be declared we committees would go forward in advance, behind us the volunteers, and then the regular army.

In Cuprija we were about 140 men. In addition to board, lodging, and clothes, each of us received 25 para a day for tobacco. The course lasted about three months—that is, until March, 1909. Then the members of the committee told us that we were dismissed and that we must disperse, for the annexation of Bosnia and Herzegovina had been recognized by the Great Powers, and our committee, therefore, had no further purpose. Upon the dissolution of the committee Gen. Bozo Jankovitch told me that I would enter into the service of Bozo Milanovitch in Sabac and get 50 dinar a month. He did not tell me what sort of service that would be. I accepted, because I felt myself as a committeeman to be in duty bound to obey Gen. Jankovitch, and also because I had nothing to live on. Thus in March, 1909, I arrived at Sabac and announced myself to Bozo Milanovitch, a merchant in Sabac.

Gen. Jankovitch had told me that Bozo Milanovitch was the leader of the Narodna Odbrana in Sabac and that I would serve under him in this Narodna Odbrana. When I gave Bozo Milanovitch the General's letter and he had read it, he told me that I must serve him faithfully and carry out instructions. My chief duty would be to carry his letters wherever they were addressed. In case I should not carry a letter to the place to which it was addressed, and in case any one else got in possession of this letter, my life would be involved. The very next day Bozo Milanovitch gave me a sealed letter which I was to carry to Cedo Lukitch, Guardian of the Treasury in Servian Raca. On the way toward

Raca in the village of Bojatitch I was halted by the District Captain, who took my letter, opened it, and read it. In the letter Lukitch was instructed to buy three boats immediately, so that they might be ready in case they were needed. Enclosed in the letter were 100 dinar. On this occasion the Captain told me that strict orders had been given by the Ministry that the komitadjis should do nothing on their own initiative, so that no international diplomatic intervention might be provoked. I returned to Sabac and reported to Bozo Milanovitch what had happened. Bozo Milanovitch turned to the District Prefect, and the latter gave orders that the revolver which the Captain in Bojatitch had taken from me should be returned to me. He also ordered the Captain to expedite the letter to the Cedo Lukitch to whom it was addressed. From March, 1909, to October, 1910, I carried forty-three such letters to Servian Raca, fifty-five to Loznica, five to Zvornik, two to Ljubivija, and I know not how many to Koviljaca. I noted how many times I was in each place because these places were very far from Sabac.

I carried the letters to the Directors of the customs offices in the respective places, and from these I received other letters in reply, which I carried to Bozo Milanovitch. I remember that I also carried letters several times to Sepacka Ada. My assistant in carrying letters was a certain Vaso Eritch, a native of Srebrenica. I carried letters every week to Belgrade from Bozo Milanovitch and delivered them to Milan Pribicevitch and Bozo Jankovitch. I knew nothing of the contents of these letters, and no one told me anything about these. So far as I could see the letters which Bozo Milanovitch sent were not in cipher, while the letters which the Directors of the customs offices sent were written with peculiar signs, which I noticed when Bozo Milanovitch opened them. Once I brought to Bozo Milanovitch such a letter in cipher, I think from Zvornik, and he sent me with the note to Mika Atanasijevitch, Professor in Sabac, so that the latter might decipher it. The latter did so, as he usually did. But he forgot to seal the translation, so I read it. In this letter was written that it was reported from reliable sources that money was to be coined with the portrait of the Heir Apparent, and that this was an indication that the Emperor Francis Joseph would abdicate. After about eight months of my service with Bozo Milanovitch, Bozo gave me a visiting card on which a skull had been drawn and on which was written that I had been appointed a trusted man (Povjerenik) of the Narodna Odbrana. On this occasion he told me that it was a matter of espionage.

Once I learned from the officer Dusan Opterkitch, a member of the Narodna Odbrana, that the Narodna Odbrana in Bosnia and Herzegovina had twenty-three members. Otherwise, however, I do not know whether the Narodna Odbrana has any organization in Bosnia, or what kind of organization it is. From time to time Milan Pribicevitch gave me a revolver, or sometimes money to buy a revolver, so that I might give it to the revenue men on the border who served as komitadjis, since they had no revolvers and no money to buy them. As it seemed to me, Milan Pribicevitch gave them these as a token of honor for being komitadjis. I had no other business with weapons.

Once I was assigned by Bozo Milanovitch to accompany a man to a farm in Lijesnica, on the Drina, and was told that the farmer would give us information and show us everything necessary so that we two might kill Ljubo Stanaricitch, a Servian reserve officer who had fled to Bijeljina. The committee of the Narodna Odbrana had, it seems, discovered that Ljubo Stanaricitch was dangerous for the Servian State and had condemned him to death.

From Bozo Milanovitch I and that other man received instructions to cross the Drina at a certain place and to kill Ljubo Stanaricitch, who lives on the bank of the Drina on the Bosnian side, in the Bijeljiner District. I and the other man started to ford the Drina, but because the water was deep, and also because we saw that Ljubo was walking around his house with his gun on his shoulder, we returned to the farmer. Because I saw that we could not kill him with a knife, I sent my companion to Sabac to inform Bozo Milanovitch that it was impossible to kill Stanaricitch in the manner in which he desired, namely, with the knife. Thereupon I received instructions from Bozo Milanovitch to kill him any way. Then we decided to shoot him with the rifle. The man who was with me was instructed by Bozo to shoot at Stanaricitch and kill him, and I was to make sure that this was carried out. In the meantime, however, a mounted gendarme came, bringing instructions from the District Prefect in Sabac that we were to return and give up our original task. And so we returned to Sabac.

In October, 1910, I asked Bozo Milanovitch to increase my pay, and when he was unwilling to do that I told him that I would no longer remain in his service. From Sabac I went to Belgrade, where I met Gen. Jankovitch, who had me arrested because I had refused obedience. They dragged me through various prisons for about two months, and all because I had given notice that I would quit obeying commands and they were afraid I would betray their secrets. Finally the authorities decided to send me back to Bosnia. In Sabac a prisoner told me that my life was in danger. The gendarmes accompanied me to Zvornik, where they turned me over to the Bosnian gendarmes. Thus I arrived in December, 1910, in Bosnia.

I know nothing definite about any Black Hand except what I read about that Hand in Servian newspapers. I do not remember to-day what was written about that Black Hand in the newspapers. Likewise, I know nothing about the Black List. In Servia after the annexation there was a general resentment and hatred against the person of the Austro-Hungarian Heir Apparent, for he was generally looked upon as a blood foe of the Serbs.

Krstanovitch also called attention to previous statements by him, of which only the following are of interest as supplementing the above declaration:

The committee in which Krstanovitch was enrolled through Milan Pribicevitch was created by the Narodna Odbrana. In the school in Cuprija there were twenty-two members from the Monarchy. Among the pupils was also Milan Ciganovitch.

In the school at Cuprija it was taught that the committee must be ready to go to Bosnia at the order of the Narodna Odbrana and there to act under instructions to be received from their superiors.

ENCLOSURE 6

EXTRACT FROM THE DOCUMENTS OF THE DISTRICT COURT IN SERAJEVO IN THE PROSECUTION OF JOVO JAGLICITCH AND HIS ACCOMPLICES FOR THE CRIME OF ESPIONAGE

In the year 1913 a system of espionage carried on by Jovo Jaglicitch and several accomplices in Bosnia in favor of Serbia was discovered. The criminal prosecution, which was begun in Serajevo, brought out, among other things, the following facts, affording a glimpse into the methods of the Greater Servian propaganda and especially of the Narodna Odbrana.

Jovo Jaglicitch stated that in the month of August or September, 1912, he met for the first time the former Cattle Inspector in Foca, Petar Klaritch, called Pesut, who in the Autumn of 1912 fled to Montenegro and then became a "komitadji."

At their first meeting Klaritch asked Jaglicitch whether he knew Rade Milosevitch of Kalinovik, and upon his answer that Milosevitch was dangerously ill in the hospital, said: "It's a pity if he dies. We have been talking of wonderful things. Has he not told you anything about it?" Upon his replying in the negative, Klaritch said: "I would like to tell you something important. We are Serbs and must do something important for Serbia; come to my office." There then took place between them the following conversation:

"Jovan, I will tell you something; I do not yet know you or whether you will betray me. I tell it to you, nevertheless, and if you have the heart to do so betray me!"

Upon inquiry by Jaglicitch as to what it was all about, Klaritch answered: "Brother, in Serbia there is a society, the Narodna Odbrana. Many persons should join this society. There are already many enlisted in Bosnia and Herzegovina as well as in the entire Monarchy; there are persons among them of intelligence and means, great heads; and if those can do it why should not we also, that we may contribute something to the work?"

Asked as to the aims the society pursued, Klaritch replied: "The society has as its object—for example, you are in Kalinovik, you tell me what the news is there, how many soldiers, cannon, how much ammunition, different kinds of rifles, who comes and who goes, etc. We have a secret cipher, and correspond in it. If you are faithful you will receive it, too."

Jaglicitch was afraid that Klaritch was only trying to pump him in order thereafter to betray him, and therefore he begged him to name some of the members, whereupon Klaritch deliberated for a while, and then mentioned to Jaglicitch a name which he whispered to him in strictest confidence.

Thereupon Klaritch said to him, "Shall I give you the cipher?" Jaglicitch agreed. Klaritch, who knew the cipher by heart, wrote it out on a scrap of paper and handed it to Jaglicitch.

Another time Klaritch told about his sojourn in Banja-Koviljaca (near Loznica), where he had been trained in bomb-throwing by a Servian Captain, Todorovitch,* and said in reply to an inquiry by the accused as to

* NOTE.—Capt. Kosta Todorovitch was then actually Frontier Commissioner and Director of the Servian Customs Service for the border territory from Raca to Ljuboiia.

why he had learned this: "If it comes to anything, as I have already told you, it is necessary that I should understand how to handle bombs, that I should train you, and you train others, so that powder magazines and other important structures may be blown up. For that purpose we shall receive bombs from Serbia."

Klaritch described the appearance of the bombs and said he already had enlisted people who would cut telegraph and telephone wires in the event of a war.

At these meetings Jaglicitch also learned from Klaritch that it is one of the aims of the members of the Narodna Odbrana to induce Austro-Hungarian soldiers to desert their colors, to recruit volunteers (komitadjis), and to organize bands, to blow up objects and depots, etc. Klaritch also informed him that even the cipher correspondence between the Servian and Bosnian members is not intrusted to the postal service, but is carried across the border by messengers.

Klaritch further told Jaglicitch that on the occasion of the Prosvjeta celebration (in September, 1912), a Servian Major together with the deputation sent to this celebration from Serbia lived in the Hotel Europe † to which Klaritch led members of the Narodna Odbrana whom he swore in.

From a spy Jaglicitch learned that bombs would reach Serajevo or had already reached it, that these had the appearance of pieces of soap ‡ and that two or three pieces would be sent to this spy also or that he would fetch them himself.

ENCLOSURE 7

FROM CONFIDENTIAL REPORTS ABOUT THE NARODNA ODBRANA

At the head of the Narodna Odbrana are representatives of all political parties, so that the Progressives and the opponents of the conspirators might cooperate. Its real moving spirit is the present Major Pribicevitch. The office of Secretary is always occupied by an officer on furlough

The Narodna Odbrana seeks to develop in the south Slav portions of Austria-Hungary an effective propaganda in military and civil circles in order thus to prepare a revolution, disturb eventual mobilizations, precipitate panics and revolts, etc.

The organization has several confidential men and emissaries in the Monarchy who carry on a silent man-to-man propaganda. Individuals have special missions, such as, for instance, to enlist persons—wherever possible railroad officials—at important bridge and junction points for the task of carrying out instructions received at the proper moment, or getting them carried out.

Communication between the members of the Narodna Odbrana is carried out wherever possible through personal contact.

Chiefly young people, workmen and railroad men are enrolled as members.

† NOTE.—The Servian Major Mika Jankovitch appeared as a Servian delegate at the Prosvjeta celebration.

‡ NOTE.—The bombs used against Archduke Francis Ferdinand in the assassination at Serajevo and those which were found in the year 1913 in the Save near Broko, originating from the Royal Servian Arsenal at Kragujevac bear a resemblance to pieces of soap.

ENCLOSURE 8

SOME EXTRACTS FROM THE DOCUMENTS OF THE BOSNIAN-HERZEGOVINIAN DISTRICT COURT IN SERAJEVO ON THE PROSECUTION OF GAVRILLO PRINCIP AND HIS ACCOMPLICES FOR THE CRIME OF ASSASSINATION COMMITTED ON JUNE 28, 1914, AGAINST HIS IMPERIAL AND ROYAL HIGHNESS, THE ARCHDUKE FRANCIS FERDINAND OF AUSTRIA-ESTE, AND HER HIGHNESS, THE DUCHESS SOPHIE OF HOHENBERG

I.—The Act and its Authors

Gavrilo Princip, Nedeljko Gabrinovitch, Trifko Grabez, Vaso Cubrilovitch, and Cetro Popovitch confessed that in common with the fugitive Mehemed Mehmedbasitch they formed a conspiracy for the murder of Archduke Francis Ferdinand, and equipped with bombs and Browning pistols, lay in wait for his Highness on June 28, 1914, on his trip through Serajevo, with a view to carrying out the attack they had planned.

Nedeljko Gabrinovitch confesses to have been the first among the conspirators to throw a bomb against the carriage of the Archduke, but says that the bomb missed its aim and injured only those seated at the time of the explosion in the carriage following the automobile of the Archduke.

Gavrilo Princip confesses to having fired two shots from a Browning revolver upon the Archduke's automobile, by which the Archduke and the Duchess of Hohenberg were mortally wounded.

Both perpetrators admit murderous intent in the execution of their act.

Full corroboration of these confessions have been furnished by the investigations, and it is established that the late Archduke Francis Ferdinand and the late Duchess Sophie of Hohenberg died of the consequences of the revolver shots fired upon them by Gavrilo Princip.

II.—Genesis of the Conspiracy

The accused, agreeing in essentials, have given the following testimony before the examining Judge:

In April, 1914, Princip during his stay in Belgrade, where he associated in the local coffee houses with many Servian students, formed the plan for an attack upon the late Archduke Francis Ferdinand. This intention he discussed with Gabrinovitch, then also in Belgrade, who already was busying himself with the same thought, and who expressed immediate readiness to participate in the attack. The plans for the murderous attempt were frequently discussed among the persons with whom Princip and Gabrinovitch associated, since the Archduke was regarded as the most dangerous enemy of the Servian people.

Princip and Gabrinovitch at the outset proposed that the bombs and weapons necessary for the carrying out of the deed be obtained from the Servian Major, Milan Pribicevitch, or from the Narodna Odbrana because they themselves did not have the means to buy them. But inasmuch as Major Pribicevitch and the influential member of the society named Zivogin Dacitch were at that time away on travels, they decided to try to get the weapons from the former "komitadji," then an official of the State Railway, Milan Ciganovitch, whom they knew.

Princip got in touch with Ciganovitch through an intimate acquaintance of the latter. Ciganovitch thereupon sought out Princip, spoke

with him about the plan of attack, which he fully approved, and declared that he would think over the request for weapons. Gabrinovitch also spoke with Ciganovitch about the weapons.

At Easter Princip took into his confidence Trifko Grabez, who was also present in Belgrade at the time, and who, according to his own confession, likewise declared himself ready to cooperate in the attack.

In the following period Princip repeatedly had conversations with Ciganovitch about the carrying out of the attack.

In the meanwhile Ciganovitch had placed himself in communication with the Servian Major, Voija Tankositch, an intimate friend of his, about the proposed attack, and Tankositch thereupon placed at his disposal the Browning pistols for this service.

Grabez confesses, in corroboration of the evidence of Princip and of Gabrinovitch, that on May 24, in company with Ciganovitch, he visited Major Tankositch in the latter's home and at his request. After the introduction Tankositch said to Grabez: "Are you this man? Are you determined?" Whereupon Grabez replied: "I am he." When Tankositch asked, "Do you know how to shoot with a revolver?" Grabez answered in the negative. Tankositch said to Ciganovitch: "I will give you a revolver. Go and teach them how to shoot."

Thereupon Ciganovitch led Princip and Grabez to the army shooting range at Topcider and gave them instructions in shooting with Browning revolvers at targets in a wood near the range. Princip showed himself to be the better marksman. Ciganovitch also familiarized Princip, Grabez, and Gabrinovitch with the use of bombs, which were later turned over to them.

On May 27, 1914, Ciganovitch gave to Princip, Gabrinovitch, and Grabez, according to their joint confession, six bombs, four Browning revolvers, and enough ammunition, as well as a glass tube containing cyanide of potassium so that they might, after carrying out their act, poison themselves with the view of keeping the secret. In addition Ciganovitch gave them money.

As early as Easter, Princip had instructed Danilo Illitch about his plan for the attack. Upon returning to Serajevo he now begged Illitch to enlist several more persons to insure the success of the attack. Thereupon Illitch, according to his confession, enlisted for this Jaso Cubrilovitch, Cetro Popovitch, and Mehemed Mehemedbasitch.

III.—Origin of the Bombs

Only one of the bombs was at their disposal at the time of the carrying out of the attack. The remaining five were later found by the police in Serajevo.

These bombs, according to the opinion of experts in court, are Servian hand grenades, manufactured in a factory and destined for military use. They are identical with the twenty-one bombs which in the year 1913 were found in the Save at Brcko and some of which were still in the original package. By this it was shown with certainty that they had come from the Servian arms depot in Kragujevac.

It is established also that the bombs used in the assassination of the Archduke Francis Ferdinand originated from the army depot at Kragujevac.

Grabez of his own accord called the bombs which were handed over to him and his accomplices "Kragujevac bombs."

IV.—Transport of the Three Assassins and the Weapons, from Serbia to Bosnia

The following testimony was given by Princip:

Ciganovitch told Gabrinovitch, Grabez and Princip to take their journey over Sabac and Loznica to Tuzla, and there turn to Misko Jovanovitch, who would take charge of the weapons. They should next go to Sabac, and there report to the border Captain, Major Rade Popovitch, for whom he gave them a note, which Princip carried. The three left Belgrade with their weapons on May 28. In Sabac, Princip delivered the note which he had received from Ciganovitch to Major Popovitch, who thereupon led all three to the commander's station (Kommando) and filled out a permit, in which it was certified that one of them was a revenue guard and the two others were his comrades. The permit also contained the name of this alleged revenue guard; but he had forgotten the name. At the same time Major Popovitch handed them a sealed letter for a border Captain in Loznica, whose name was Pravanovitch, Prdanovitch, or Predojevitch.

The next night Princip, Gabrinovitch, and Grabez spent in Sabac and went on the next day by train to Loznica, at half fare, on the strength of the permit that had been filled out for them by Major Popovitch. At noon they arrived in Loznica and handed to the local border Captain Major Popovitch's letter in which was written: "See that you receive these people and conduct them through to you know where." The Captain said that he would call his revenue guards from the border and intrust the three to the most reliable man. Thereupon he telephoned, and ordered the three accomplices to report at his office at 7 o'clock the next morning.

On the next morning the three conspirators agreed that Gabrinovitch, with the pass of Grabez, should openly take the road to Zvornik, but that Princip and Grabez should cross the border secretly. This plan was discussed with the border Captain and it was hereby agreed that a revenue guard from Ljesnica, named Grbitch, should take Princip and Grabez in his karaula and conduct them across the line. Gabrinovitch went on foot to Banja Koviljaca, in the direction of Zvornik. Princip and Grabez rode with the revenue guard, Grbitch, to Ljesnica, where they deposited the bombs and the revolvers in a hotel room. Here the revenue guard Grbitch saw these objects. Princip himself characterized the journey as "mysterious."

The testimony of Grabez agreed with that of Princip on the essential points and he added by way of supplement that Grbitch laughed when he saw the bombs and revolvers and only asked whither in Bosnia they were going with these bombs. The revenue guard certainly thought Grabez and Princip had a mission.

Grbitch and a second revenue guard brought Princip and Grabez in a rowboat to an island in the Drina. There Grbitch instructed them to wait for a peasant who would fetch them. They spent the night on the island in a peasant's cottage to which Grbitch had directed them. On the next day a peasant took them during the night, first through a swamp and then across the hills to neighborhood to Priboj, where he turned them over to the local teacher Cubrilovitch, who seemed to have been waiting for them. The latter then took them to Tuzla, to Misko Jovanovitch.

Gabrinovitch testified concerning the happenings on the trip up to the moment in which he separated from Princip and Grabez in a manner

that corroborated the essentials of what they had said, and added that Major Popovitch had told them he had come from Belgrade only on the day before their arrival in Sabac.

In Loznica, Gabrinovitch, Princip, and Grabez decided to separate, since it would be dangerous for them to go together. The border Captain in Loznica, whom they informed of this, expressed his approval of their plan and gave Gabrinovitch a letter for the teacher, M. Jaklojevitch, in Mali-Zvornik. Gabrinovitch thereupon turned over the bombs which he had carried, the Browning and ammunition, to Princip and Grabez, and in company with a revenue guard, who had been given to him as escort, went to Mali-Zvornik.

There he found the teacher, Jaklojevitch, to whom he handed the letter of the border Captain of Loznica. The latter advised the Servian guard. When Gabrinovitch later reached this frontier guard with the teacher there was waiting for them a man who brought them in a rowboat across the Drina to Greater Zvornik in Bosnia.

From there Gabrinovitch went to Tuzla to Misko Jovanovitch.

Cubrilovitch, the teacher, who undertook to guide Princip and Grabez at Priboj, has made a complete confession, from which the following important points are summarized:

In 1911 Cubrilovitch, as a result of a Sokol excursion to Sabac, was made a member of the Narodna Odbrana through Bozo Fovitch, a member of the Board of Directors, and then made Commissioner of the Narodna Odbrana in Zvornik (Bosnia). On his invitation Misko Jovanovitch was later made Commissioner of the Narodna Odbrana for Tuzla.

A peasant acted as go-between in the dealings with Narodna Odbrana, the same peasant who brought Princip and Grabez to Cubrilovitch with the news that he was bringing two armed Servian students with him. When he learned this he said that he knew this was a "message" of the Narodna Odbrana. Princip and Grabez told him that they had bombs and revolvers for an attempt on the life of Archduke Francis Ferdinand.

Supplement

Just before the close of this memoir, a sworn statement is produced by the District Court in Serajevo, from which it appears that a subject of the monarchy some days before the 28th of June of this year wished to notify the Imperial and Royal Consulate in Belgrade that a murderous attack had been planned against Archduke Francis Ferdinand during his stay in Bosnia. This witness, it is said, was prevented from giving this information by the Belgrade police, who, on a trivial pretext, arrested him before he could enter the Imperial and Royal Consulate. The sworn testimony and the cross examination indicate that the Servian police officials had knowledge of the attack that was planned and only arrested this man to prevent him from furnishing the information.

Inasmuch as these statements have not yet been investigated, no judgment can yet be given as to their ability to stand the test. In consideration of the importance attaching to this, the further details of this testimony can at the present time not be divulged.

ENCLOSURE 9

THE SERBIAN PRESS ON THE ASSASSINATION

(a) The Belgrade newspaper "Balkan" on June 29, wrote concerning the two assassinations:

Nedeljko Gabrinovitch, a typesetter, was imbued with anarchistic ideas and known as a restless spirit. Up to twenty days ago he lived in Belgrade, where he had gone after the war and found employment in the State printing plant. Before he left he said he was going to Trieste, where he expected to obtain work in a new printing plant. Gavrilo Princip also sojourned until recently in Belgrade. In the course of the war he volunteered for army service, but was not accepted; so he left Belgrade. But he returned to Belgrade on Christmas of the preceding year, attended the gymnasium for a while, and departed from Belgrade at about the same time as Gabrinovitch, but by a different route. Princip was silent, nervous, a good scholar, and associated with several fellow-students who likewise came from Bosnia and Herzegovina, and in later times with Gabrinovitch. He inclined toward socialist ideas, although he originally belonged to the Progressive youth. Princip as well as Gabrinovitch had grown up in Serajevo; both had been united in inseparable friendship since their childhood.

(b) It is pointed out in the "Piémont" of July 1 that the loud protest of the assailant Zerajitch was followed by the protest of Princip. The work of the latter could likewise be explained by reason of the Bosnian Government system. The fact that Princip carried out his act of vengeance on the sacred national holiday of Vidovdan (St. Vitus Day), the day fixed for the carrying on of manoeuvres, makes the desperate deed of the young martyr appear more intelligible and natural.

(The paper was confiscated by the police because of this article, but the confiscation was annulled on the following day by the Belgrade court of first resort.)

(c) The Young Radical paper, "Odjek," of July 3 says:

Archduke Francis Ferdinand was sent to Serajevo on the day of national enthusiasm to celebrate a brutal manifestation of power and subjection. This brutal act was bound to evoke brutal feeling of resistance, of hatred, and of revenge.

(d) The National Party organ, "Srpska Zastava," says in an article of July 3, headed "Suspicious and Threats":

The assassination appears even more and more the result of unhealthy conditions in the monarchy. On the other hand, the savage persecution of the Serb people in Bosnia and Herzegovina excites the horror of the whole civilized world.

(e) The Progressive paper, "Pravda," of July 3 writes:

The Vienna policy is cynical. It is exploiting the death of the unfortunate couple for its repulsive purposes against the Servian people.

(f) The "Agence des Balkans" of July 3 reports:

The crimes practiced in Bosnia and Herzegovina against the Serbs have been carried out under the auspices and direct incitation of the Austro-Hungarian civil and military authorities.

(g) The "Pravda" of July 4 says:

All murders and attacks heretofore committed in Austria have had one and the same origin. The oppressed peoples of the monarchy were obliged to resort to this kind of protest, because no other way was open to them. In the chaos of a reign of terror it is natural and understandable that the era of murderous attacks should become popular.

(h) The "Balkan" of July 5 remarks that Austria-Hungary, "because of its persecution of the innocent, must be put under international control," since Austria-Hungary was less consolidated than Turkey.

(i) The "Mali Journal" of July 7 says:

A scion of the Middle Ages was murdered in Serajevo a few days ago. He was murdered by a boy who felt the suffering of his enslaved fatherland to the point of paroxysms of emotion—the suffering which the despoilers of the lands of his fathers had inflicted upon it. What has official Austria-Hungary done thereafter? It has replied with general massacres, plunderings, and destruction of Serb life and property. By such exploits only those who are worthless distinguish themselves. The cowards are always great heroes when they are certain that nothing will happen to them. Only compare Princip and Gabrinovitch with these heroes, and the great difference will be noted at once. Civilization and justice in Austria-Hungary are a great, gross falsehood.

(j) The "Tribuna" of July 7 says:

We are of the opinion that the murderous deed of Serajevo was ordered to the end that the extermination of the Serbs might be accomplished with one blow.

(k) The "Piémont" of July 8 reports from Bajina Baschka that the Austrian authorities in Bosnia were preparing a massacre of the "Christians."

(l) The "Balkan" of the 8th publishes a report from Bosnia, under the heading "St. Bartholomew's Night in Serajevo," and advocates a general boycott of all Austrians resident in Servia.

(m) The "Mali Journal" of the 8th demands a boycott against the Danube Steamship Company.

(n) Under the caption, "Nothing from Austria-Hungary!" the "Tribuna" of the 8th writes that it is best to buy no goods originating in Austria-

Hungary, not to visit the Austrian and Hungarian baths, and not to call any physicians from Austria-Hungary. Private initiative, it says, could accomplish much in the direction indicated. The State and the authorities would not have to take action. It would be enough to appeal to the citizens.

(o) It is stated in the "Stampa" of the 8th that the police at Serajevo were subjecting the arrested assailants to the most shameless and inhuman torture in order to force confessions from them, to be used as the basis for an indictment of the Servian people.

(q) Commenting upon the statement by Premier Asquith, upon being informed of the death of the Archduke Francis Ferdinand, that he despaired for humanity, the "Balkan" on July 9 published a historical survey of the events of the last forty years, from which it concludes that the Servian people in that period were subjected to the terrible tortures of the Jesuit policy of Austria-Hungary. Finally Archduke Francis Ferdinand, like all sons of Loyola who only work in the blood of human beings and believe in the principle that "the end justifies the means," was inexorably overtaken by fate and fell a victim to Jesuitism, even as entire Austria-Hungary will. But by the fall of Austria-Hungary humanity shall obtain peace and freedom. When one recapitulates all these truths, one must reach the conclusion that Asquith could with calm spirit have met the announcement of the death with the words, "I no longer despair for humanity."

(r) In a leading article the "Politika" of July 9 says, under the caption "Shameless Lie":

The manner and fashion in which the investigation of the Serajevo attack is being conducted point openly to the ends which Austria is pursuing. Since the assailants, despite all the torments inflicted upon them, refuse to state what is demanded of them, other individuals have been discovered, with difficulty, who declared themselves ready, under certain conditions, to confess to a certain complicity in the attack, but at the same time to accuse all those who are inconvenient for Austria. This method for the time being has succeeded, for the hired individuals show a willingness to say anything that one wants of them, and the Austrian police take care that these lies are at once circulated broadcast. Austria has no shame, and it believes that some one will be found who will believe such lies.

(s) The "Stampa" of the 9th says that not everything that has occurred in Bosnia and Herzegovina has yet been uncovered and brought out to publicity. Much, it says, is being concealed. But truth will sooner or later come to the surface for all that. Bloodthirsty Austria simply wants to sate herself now with Servian blood, and is doing it. It is reported that there are to-day about 10,000 dead and wounded in Bosnia.

(t) The "Politika" of July 10 hurls unmeasured insults at members of the Imperial House.

(u) The "Trgovinski Glasnik" of July 10 speaks of the corruptness and unscrupulousness of the Austro-Hungarian policy, which it calls

"Jesuitical, ruthless, and dishonorable." It ought to convince the Serb people in Austria-Hungary that they do not dwell in a civilized State which guarantees life and property, but that they must ever be armed and ready to defend themselves against robbery by the authorities and the Government. After the latest events, the Servian people must no longer wait like a lamb that might be slaughtered any day, but like a lion ready for bloody defense.

(v) The "Stampa" of July 10 says:

Nothing is eternal, and Austria-Hungary will not remain forever in Bosnia and Herzegovina. The time is not distant when the Serbs, who broke the power of the Turks and punished the Bulgarians, will range over the Ivan Planina on the Trebevitich.

(w) Under the title "Boycott Against the Worthless," the "Pravda" of July 10 demands a boycott of Austro-Hungarian firms in Belgrade as well as of Austro-Hungarian wares, and says that it is the duty of the Narodna Odbrana to promote the strictest execution of the boycott.

(x) The "Zvono" of July 16 declares Princip a son of Countess Lon-
guy, to whom the task was allotted to avenge the death of the Crown Prince Rudolf on his murderer, the Archduke Francis Ferdinand.

(y) In the "Mali Journal" of July 19 occurs the following:

Princip was instigated to the attack by an Austro-Hungarian agent. In Vienna it is said that the really guilty person could be found only in the Austro-Hungarian Embassy at Belgrade.

(z) The leading Young Radical paper, "Odjek," of July 20 writes:

Austria-Hungary indicates by a hundred signs that it wishes to inherit the title of the Sick Man of Europe. While in Serbia not a single Austro-Hungarian citizen was molested, villages and cities were plundered in Bosnia and Herzegovina. This fact shows afresh how much higher Serbia stands, morally and culturally, than Austria-Hungary.

ENCLOSURE 10

THE COMMITTEE OF THE NARODNA ODBRANA AT NISH ON THE CRIME AGAINST ARCHDUKE FRANCIS FERDINAND

To the Austro-Hungarian Ministry of Foreign Affairs has come from a trustworthy informant, whose name can be given if necessary, reliable information that the Committee of the Narodna Odbrana recently held a session at Nish, in which its Chairman, the Director of the Nish House of Correction, Jasa Nenadovitch, spoke of the assassination of Archduke Francis Ferdinand, and told the following:

Servia was compelled absolutely to avail herself of some means like the attack on Archduke Francis Ferdinand, since the latter, on account of his aggressive and eccentric character, was a formidable danger to Servia and,

possibly, to other Slavic groups. Had he remained alive, he would soon have challenged Serbia to war or attacked that country, in which case Serbia, which is now so materially weakened and which has not finished organizing its army, would unquestionably have been hopelessly beaten. But as matters stand, Serbia has been saved by the Serajevo murder and, moreover, one of the men dangerous to Serbia has been removed. Serbia will now have quiet for some years, since the new Heir Apparent will certainly think twice before he follows in the footsteps of his predecessor.

The speaker was aware, he continued, that the murder of the Archduke would be a severe blow and a bitter sorrow to Austria-Hungary, and that it would cause the Serbs living there to be persecuted, but he did not think his suppositions would be so completely justified by events as they had been, and that the Croats would rise to the requirements of the moment as they had risen. He said that his friends in Bosnia and Herzegovina had assured him that the Austro-Hungarian officials were timid and would not go too far, but that these friends had been deceived and that we had been deceived through them; that if things continued thus, revolvers and bombs had yet to play their real parts, and whatever the Servian God might ordain, things could not continue in this way.

The statements of the speaker found complete support from those who heard him.

ENCLOSURE 11

ANTI-AUSTRO-HUNGARIAN PAINTINGS IN THE MINISTRY OF WAR AT BELGRADE

Before the Reception Hall of the Servian Ministry of War there are on the wall four allegorical paintings, of which three are representations of Servian victories, while the fourth pictures the realization of Servia's anti-Austrian aspirations.

Over a landscape, part mountain (Bosnia), and part plain (Southern Hungary), there is shown the "zora," or dawning of Servian hopes. In the foreground is an armed woman upon whose shield are the names of all the provinces "yet to be freed"—Bosnia, Herzegovina, Vojvodina, Syrmia, Dalmatia, etc.

XX. Count Berchtold to Baron Macchio, Councilor Austro-Hungarian Ministry of Foreign Affairs

(Telegram.)

Lambach, July 25th, 1914.

The Russian Chargé d'Affairs has informed me by telegram that his government has urgently instructed him to demand an extension of the time-limit in the ultimatum to Servia. I request you to reply to him in my behalf, that we cannot consent to an extension of the time-limit. You will please add that, even after the breaking off of diplomatic relations, Servia will be in a position to bring about an amicable settlement by an unconditional acceptance of our demands. In such case, however, we would be compelled to demand from Servia an indemnification for all costs and damages caused to us by our military measures.

XXI. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Bad Ischl, July 25th, 1914.

For your personal information and guidance:

The Russian Chargé d'Affaires called on Baron Macchio this forenoon and requested in his Government's behalf that the time-limit stipulated in our note to Servia be extended.

This request he based upon the ground that our move had taken the Powers by surprise and that the Russian Government would consider it a matter of due consideration on the part of the Vienna Cabinet toward the other cabinets, if the latter should be given an opportunity to examine the merits of our communication to the Powers and to study the promised dossier. Baron Macchio replied to the Chargé d'Affaires that he would advise me at once of his request, but he could already venture to say that there is no probability of a prolongation of the stipulated time-limit being conceded by us.

As to the explanations given by the Russian Government in substantiation of its request, they appear to be based upon an erroneous conception of the premises. Our note to the Powers was by no means meant as an invitation to them to inform us of their views on this matter, but simply to convey information as a matter of international courtesy. Besides, we hold that our action concerns solely ourselves and Servia, and that this action, despite the patience and leniency which we have displayed for many years, had been forced upon us by the developments of a situation which compelled us to defend our most vital interests.

XXII. Baron von Giesl to Count Berchtold

(Telegram.)

Belgrade, July 25th, 1914.

The Cabinet met in council last night and this morning. According to various reports the reply to our note will be handed to me before the expiration of the stipulated time. I hear that the court train is being made ready for use; that the money of the National Bank and of the Railroad as well as the archives of the Foreign Office are being removed to the interior of the country. Several of my colleagues are of the opinion that they must follow the Government, especially so the Russian legation, where packing is proceeding.

The garrison has left town in field equipment. The ammunition has been removed from the fortress. There is a considerable movement of troops at the railway station. Sanitary convoys have left Belgrade in a southerly direction. According to the instructions which I have meanwhile received, we shall leave Belgrade by train at 6.30 o'clock if diplomatic relations are broken off.

XXIII. Baron von Giesl to Count Berchtold

(Telegram.)

Semlin, July 25th, 1914.

General mobilization has been ordered in Servia at 3 P. M.

XXIV. Baron von Giesl to Count Berchtold

(Telegram.)

Semlin, July 25th, 1914.

The reply of the Royal Servian Government to our demands of the 23rd instant being inadequate, I have broken off diplomatic relations with Servia and have left Belgrade with the staff of the legation.

The reply was handed to me at 5.58 P. M.

XXV. Note of the Royal Servian Government, Dated July 12/25, 1914

The Royal Servian Government has received the communication of the Imperial and Royal Government of the 10th instant, and is convinced that its reply will remove any misunderstanding which may threaten to impair the good neighborly relations between the Austro-Hungarian Monarchy and the Kingdom of Servia.

Conscious of the fact that the protests which were made both from the tribune of the national Skuptchina and in the declarations and actions of the responsible representatives of the State—protests which were discontinued as a result of the declarations made by the Servian Government on the 18th March, 1909—have not been renewed on any occasion as regards the great neighboring Monarchy, and that no attempt has been made since that time, either by the successive Royal Governments or by their organs, to change the political and legal status created in Bosnia and Herzegovina, the Royal Government calls attention to the fact that in this connection the Imperial and Royal Government has made no representation, except one concerning a school book, when the Imperial and Royal Government received an entirely satisfactory explanation. Servia in numerous instances has given proof of her pacific and moderate policy during the Balkan crisis, and it is due to Servia and to the sacrifice that she has made in the exclusive interest of European peace that the same has been preserved. The Royal Government cannot be held responsible for manifestations of a private character, such as articles in the press and the peaceable work of societies—manifestations which take place in nearly all countries in the ordinary course of events, and which as a general rule are beyond official control. The Royal Government is all the less responsible, in view of the fact that at the time of the solution of a series of questions which arose between Servia and Austria-Hungary it showed much consideration and thus succeeded in settling most of these questions to the mutual advantage of the two neighboring countries.

For these reasons the Royal Government has been painfully surprised at the allegations that citizens of the Kingdom of Servia have participated in the preparations for the crime committed at Serajevo; the Royal Government had expected to be invited to collaborate in an investigation of all that concerns this crime, and it stood ready, in order to prove the entire correctness of its attitude, to take measures against any persons concerning whom representations might be made to it.

Complying with the desire of the Imperial and Royal Government, it is prepared to commit for trial any Servian subject, regardless of his station or rank, of whose complicity in the crime of Serajevo proofs shall be produced, and more especially it undertakes to publish on the first page of the

"Journal officiel," on the date of the 13th/26th July, the following declaration:

The Royal Government of Serbia condemns the propaganda directed against Austria-Hungary, and in general all the tendencies which aim at the ultimate detachment from the Austro-Hungarian Monarchy of territories belonging to it, and it sincerely deplors the fatal consequences of these criminal activities.

The Royal Government regrets that Servian officers and functionaries have participated, according to the communication of the Imperial and Royal Government, in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the Kingdom, that henceforth it will proceed with the utmost rigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress.

This declaration will be brought to the knowledge of the Royal Army in an order of the day, in the name of his Majesty the King, by his Royal Highness the Crown Prince Alexander, and will be published in the next official army bulletin.

The Royal Government further undertakes:

1. To insert, at the first ordinary convocation of the Skuptchina, a provision into the press law for the most severe punishment of incitement to hatred and contempt of the Austro-Hungarian Monarchy, and for taking action against any publication the general tendency of which is directed against the territorial integrity of Austria-Hungary. The Government engages, at the impending revision of the Constitution, to add to Article 22 of the Constitution an amendment permitting that such publications be confiscated, a proceeding at present impossible according to the clear provisions of Article 22 of the Constitution.

2. The Government possesses no proof, nor does the note of the Imperial and Royal Government furnish it with any, that the "Narodna Odbrana" and other similar societies have committed up to the present any criminal act of this nature through the proceedings of any of their members. Nevertheless, the Royal Government will accept the demands of the Imperial and Royal Government and will dissolve the "Narodna Odbrana" Society and every other association which may be directing its efforts against Austria-Hungary.

3. The Royal Servian Government undertakes to remove without delay from the system of public instruction in Serbia all that serves or could serve to foment propaganda against Austria-Hungary, whenever the Imperial and Royal Government shall furnish it with facts and proofs of such a propaganda.

4. The Royal Government also agrees to remove from the military and the civil service all such persons as the judicial inquiry may have proved to be guilty of acts directed against the territorial integrity of the Austro-

Hungarian Monarchy, and it expects the Imperial and Royal Government to communicate to it at a later date the names and the acts of these officers and officials for the purposes of the proceedings which are to be taken against them.

5. The Royal Government must confess that it does not clearly understand the meaning or the scope of the demand made by the Imperial and Royal Government that Serbia shall undertake to accept the collaboration of officials of the Imperial and Royal Government upon Servian territory, but it declares that it will admit such collaboration as agrees with the principle of international law, with criminal procedure, and with good neighborly relations.

6. It goes without saying that the Royal Government considers it a duty to begin an inquiry against all such persons as are, or eventually may be, implicated in the plot of the 15/28 June, and who may happen to be within the territory of the kingdom. As regards the participation in this inquiry of Austro-Hungarian agents or authorities appointed for this purpose by the Imperial and Royal Government, the Royal Government cannot accept such an arrangement, as it would constitute a violation of the Constitution and of the law of criminal procedure; nevertheless, in concrete cases communications as to the results of the investigation in question might be given to the Austro-Hungarian agents.

7. The Royal Government proceeded, on the very evening of the delivery of the note, to arrest Commandant Voijs Tankositch. As regards Milan Ciganovitch, who is a subject of the Austro-Hungarian Monarchy and who up to the 15th June was employed (on probation) by the directorate of railways, it has not yet been possible to arrest him.

The Austro-Hungarian Government is requested to be so good as to supply as soon as possible, in the customary form, the presumptive evidence of guilt as well as the possible proofs of guilt which have been collected up to the present time, at the inquiry at Serajevo, for the purposes of the Servian inquiry.

8. The Servian Government will reinforce and extend the measures which have been taken for suppressing the illicit traffic in arms and explosives across the frontier. It goes without saying that the Servian government will immediately order an inquiry and will severely punish the frontier officials on the Schabatz-Loznitza line who have failed in their duty and allowed the authors of the crime of Serajevo to pass.

9. The Royal Government will gladly furnish explanations of the remarks made by its officials, whether in Serbia or abroad, in interviews after the crime, and which, according to the statement of the Imperial and Royal Government, were hostile to the Monarchy, as soon as the Imperial and Royal Government shall have communicated to it the passages in question in these remarks, and as soon as it shall have shown that the remarks were actually made by the said officials, in connection with which the Royal Government itself will take steps to collect evidence.

10. The Royal Government will inform the Imperial and Royal Government of the execution of the measures comprised under the above heads, in so far as this has not already been done by the present note, as soon as each measure shall have been ordered and carried out.

If the Imperial and Royal Government is not satisfied with this reply the Servian Government, considering that it is not to the common interest to take precipitate action in the solution of this question, is ready, as always, to accept a pacific understanding, either by referring this question to the decision of the International Tribunal at The Hague, or to the Great

Powers which took part in the drawing up of the declaration made by the Servian Government on the 18/31 March, 1909.

Belgrade, July 12/25, 1914.

XXVI. Count Berchtold to Count Szápáry, St. Petersburg

Vienna, July 25, 1914.

In resolving to proceed firmly against Servia, we are fully aware that a conflict with Russia may result from the existing Servian differences. Yet, in determining our attitude toward Servia, we could not allow ourselves to be influenced by this possibility, because fundamental considerations of our home policy have forced us to put an end to a situation which enables Servia, under Russia's promise of immunity, to threaten this empire constantly and to do so unpunished and unpunishable.

In case Russia should consider that the moment for an accounting with the Central European Powers has come, and therefore *a priori* be resolved to make war, the following instructions would appear to be useless.

Nevertheless, it is still conceivable that Russia might reconsider her attitude and not permit herself to be carried away by the warlike element, in case Servia should refuse to comply with our demands and we should be compelled, in consequence, to resort to force.

The following is designed for the latter emergency and it is left to your discretion to make proper use of it at the right time and in a suitable manner in your conference with M. Sazonow and the prime minister.

I presume that under the present circumstances you are in close touch with your German colleague, who has surely been instructed by his Government not to allow the Russian Government any room for doubt that Austria-Hungary would not stand alone in the event of a conflict with Russia.

I have no doubt that it will not be an easy task to bring Sazonow to a true appreciation of our action at Belgrade, which has been forced upon us.

But there is one point which cannot fail to impress the Russian Foreign Minister, namely, an emphatic statement by you to the effect that Austria-Hungary, in conformity with her established principle of disinterestedness, is guided by no selfish motive in the present crisis, although the situation has culminated in warlike action.

The Monarchy is sated with territory and has no desire for Servian lands. If war with Servia be forced upon us, it will be for us not a war of conquest, but of self-defence and self-preservation.

The contents of the circular note, which in itself is sufficiently comprehensive, may be placed in a still more convincing light by a study of the dossier referring to the Servian propaganda against the Dual Monarchy and the relation between this propaganda and the crime of June the 28th.

You will, therefore, call the Russian Foreign Minister's special attention to this dossier and point out to him that there is no precedent of a Great Power tolerating so long and with such unexampled forbearance the seditious agitations of a small neighbor.

We had no wish to adopt a policy adverse to the free development of the Christian Balkan States, and therefore we have permitted Servia to almost double her territory since the annexation crisis of 1908, although we knew how little Servian promises are worth.

Since then the subversive movement fostered against the Monarchy in Servia has become so excessive, that Austria-Hungary's vital interests

and even her dynasty are seriously menaced by Serbia's underground activities.

We must presume that conservative and dynastic Russia will not only understand our energetic action against such a menace to public order, but will even regard it as imperative.

On reaching this point in your conversation with M. Sazonow it will be necessary to state, in addition to your explanation of our motives and intentions, that, although we have no ambitions for territorial expansion and do not intend to infringe upon the integrity of Serbia, as you already have pointed out, still we are determined to go to any length to ensure the acceptance of our demands.

The course of the last 40 years, as well as the historical fact that our gracious Sovereign has acquired the glorious name of "Guardian of the Peace," attest that we have always held peace to be the most sacred blessing of the people, and that, in so far as it depended on us, we have endeavored to maintain it.

We would all the more regret a disturbance of the peace of Europe, because of our conviction that the evolution of the Balkan states toward national and political independence could only improve our relations with Russia, eliminating all possibilities of a clash of interests with that empire, and because in framing our own policy we always have been disposed to respect the important political interests of Russia.

To tolerate the Servian machinations any longer, however, would undermine our national existence and our standing as a Great Power, and would, therefore, imperil the European balance of power—an equilibrium the maintenance of which, we are convinced, the peace-loving statesmen of Russia regard as essential to their own interests. Our action against Serbia, whatever form it may take, is altogether conservative and has no object except the necessary maintenance of our position in Europe.

XXVII. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, July 25, 1914.

As clause 5 of our demands, which concerns the coöperation of Austro-Hungarian officials in the suppression of the subversive agitation in Serbia, has called forth M. Sazonow's particular objection, you are instructed to give him the strictly confidential information that the insertion of this clause is due to merely practical considerations and is not intended as an infringement on Serbia's sovereignty. The "collaboration" mentioned in clause 5 refers to the creation in Belgrade of a secret *bureau de sûreté* which would work like the similar Russian institution in Paris and would coöperate with the Servian police and administration.

XXVIII. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 26, 1914.

Reports concerning Russian mobilization have caused Count Pourtalés to call the Russian minister's earnest attention to the fact that an attempt

to exert diplomatic pressure by means of mobilization is extremely dangerous at this juncture. In such an event the military considerations of the General Staff will be supreme and the situation will become irrevocable once "the button had been pressed" by the chief of staff in Germany. M. Sazonow gave the German Ambassador his word of honor that the report of a mobilization were unfounded, that for the present not one horse had been levied, not one reservist called, and that merely preparatory measures were being taken in the military districts of Kieff and Odessa, and possibly of Kazan and Moscow.

Immediately afterwards a courier delivered to the German Military Attaché a request to call on the Minister of War. Suchomlinow, referring to Count Pourtalés's conversation with the Minister of Foreign Affairs on the subject of Russian military preparations, stated that, as the Ambassador might possibly have misunderstood some details pertaining to military questions, he would be prepared to give the Military Attaché fuller information. Major von Eggeing's report was summarized in the following telegram which Count Pourtalés sent to Berlin and placed at my disposal:

Military Attaché reports on conversation with Russian Minister of War:

M. Sazonow has requested him to enlighten me concerning military situation. Minister of War gave me his word of honor that no order whatever had as yet been issued for mobilization. For the present merely preparatory measures were being taken, no horse levied, no reservist called. In case Austria-Hungary were to cross Servian boundary, the military districts adjoining Austria (Kieff, Odessa, Moscow, Kazan) would be mobilized. Under no circumstances would mobilization extend to districts of Warsaw, Vilna and St. Petersburg, bordering on Germany. Peace with Germany is earnestly desired. In answer to my question as to object of mobilization against Austria-Hungary, War Minister shrugged his shoulders and hinted at diplomatic influences. I pointed out to War Minister that we should appreciate friendly disposition but consider mobilization against Austria-Hungary alone as decidedly threatening. War Minister repeatedly and insistently laid stress on absolute necessity and desire for peace.

XXIX. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, July 26, 1914.

M. von Tschirschky informed me to-day under instructions that, according to a telegram sent from London on the 25th instant, at 3 P. M., by Prince Lichnowsky, Sir Edward Grey had forwarded the latter a draft of Servia's reply together with a personal letter expressing the hope that, in view of the conciliatory tenor of the reply, the Berlin Cabinet would recommend its acceptance in Vienna.

I consider it advisable that you should revert to this matter and call the Foreign Secretary's attention to the fact that, almost at the time when he sent his note to Prince Lichnowsky, i.e., yesterday at 3 P. M., Servia had already ordered a general mobilization; this goes to prove that there was no inclination in Belgrade for a peaceful settlement. The unsatisfac-

tory reply, which, it appears, had previously been wired to London, was not handed to the Imperial and Royal Minister in Belgrade until 6 P. M., after the mobilization order had been issued.

XXX. Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, London, Paris and St. Petersburg

(Telegram.)

Vienna, July 26, 1914.

Servia having rejected our demands, we have broken off diplomatic relation with that country.

You are instructed to call immediately on the Foreign Secretary or his representative and frame your statement as follows:

The Royal Servian Government has refused to comply with the demands which we had been compelled to make upon it in order to permanently safeguard our most vital interests, which Servia is menacing. In so doing Servia has manifested her unwillingness to abandon her subversive tactics, which are directed at fomenting disturbances in some of our border territories with a view to their eventual separation from the Dual Monarchy. To our regret, and much against our wish, we have been placed under the necessity of employing the severest measures to compel Servia to modify radically her hitherto hostile attitude toward us.

XXXI. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 27, 1914.

I have just had a long conversation with M. Sazonow. I told the Minister I was under the impression that the nature of our action had been misunderstood in Russia. We were suspected of contemplating an attack upon the Balkans, and of intending to march upon Saloniki or possibly even upon Constantinople. Others go so far as to describe our action as the beginning of a preventive war against Russia. I declared all this to be erroneous and in a sense absurd. The purpose of our action is merely self-preservation and self-defence against a hostile propaganda threatening the integrity of the monarchy, carried on by word, writing and deed. No one in Austria-Hungary would think of threatening Russian interests or picking a quarrel with Russia.

We were, however, resolved to reach the goal which we had in view, and the road which we had chosen seemed to us the most effective. As we had embarked upon an action of self-defence, I emphasized the fact that we could not allow ourselves to be diverted by any consequences whatsoever.

M. Sazonow agreed with me in principle. He recognized our aim as a perfectly legitimate one, but expressed the opinion that the method we had selected for its attainment was not happy in its form. He had studied the note since its presentation, he observed, and would like to peruse it once more with me, if I had time to do so.

I responded that I was at his disposal, but was neither authorized to

discuss the wording of the note nor to give an interpretation of it. His remarks, however, would be of greatest interest. The minister then analyzed all the points of our note and this time found that seven of the ten clauses were, on the whole, acceptable. He took exception only to the two clauses dealing with the cooperation of Austria-Hungarian officials in Serbia and to the clause concerning the dismissal of officers and officials to be designated by us. Those clauses he qualified as unacceptable in their present form. With reference to the two first clauses, I found myself in a position to give an authentic interpretation in the sense of your telegram of the 25th instant. The third clause I qualified as a necessary demand. In any case events had been set in motion. The Servians had mobilized as early as yesterday, and I was ignorant of what had happened since.

XXXII. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, July 27, 1914.

I authorize you to tell M. Sazonow that Austria-Hungary has no intention whatever to make any territorial conquests, as long as the war remains localized between Austria-Hungary and Serbia.

XXXIII. Count Szögyény to Count Berchtold

(Telegram.)

Berlin, July 27, 1914.

M. Sazonow declared to the German Ambassador that he could "guarantee that no mobilization had been effected by Russia. Certain essential military precautions had been taken, however."

German military attaché in St. Petersburg reports that "the Russian minister of war had given him his word of honor that not one man or horse had been mobilized; yet certain military precautions had, of course, been taken"; precautions which, however, are "fairly extensive," in the personal opinion of the military attaché, expressed in his report.

XXXIV. Count Berchtold to the Imperial and Royal Ambassadors in Berlin, Rome, London, Paris and St. Petersburg

Vienna, July 27, 1914.

You will receive herewith the text of the note which was handed to the Imperial and Royal Minister in Serbia on July the 25th by the Royal Servian Government, and our comments thereon.

ENCLOSURE

NOTE OF THE ROYAL SERVIAN GOVERNMENT TO THE IMPERIAL AND ROYAL AUSTRO-HUNGARIAN GOVERNMENT, DATED 12-25TH JULY, 1914, AND COMMENTS THEREON

Servian Reply to Austrian Government

The Royal Servian Government has received the communication of the Imperial and Royal Government of the 10th instant, and is convinced that its reply will remove any misunderstanding which may threaten to impair the good neighborly relations between the Austro-Hungarian Monarchy and the Kingdom of Servia.

Conscious of the fact that the protests which were made both from the tribune of the national Skuptchina and in the declarations and actions of the responsible representatives of the State—protests which were discontinued as a result of the declarations made by the Servian Government on the 18th March, 1909—have not been renewed on any occasion as regards the great neighboring Monarchy, and that no attempt has been made since that time, either by the successive Royal Governments or by their organs, to change the political and legal status created in Bosnia and Herzegovina, the Royal Government calls attention to the fact that in this connection the Imperial and Royal Government has made no representation, except one concerning a school book, when the Imperial and Royal Government received an entirely satisfactory explanation. Servia in numerous instances has given proofs of her pacific and moderate policy during the Balkan crisis, and it is due to Servia and to the sacrifice that she has made in the exclusive interest of European peace that the same has been preserved.

Comments of the Austro-Hungarian Government

The Royal Servian Government confines itself to the statement that no endeavor has been made by either the Servian Government or its officers to modify the status of Bosnia and Herzegovina since the declaration of the 18th of March, 1909.

Thereby it deliberately evades the basic point in our representations, as we have not asserted that the Servian Government or its officers have officially undertaken anything to that end.

Our grievance, however, is that the Servian Government has omitted to suppress the agitation directed against the territorial integrity of the Dual Monarchy, notwithstanding the obligations it entered into under the terms of the above-mentioned note.

The Servian Government, therefore, was in duty bound to a radical change in the trend of its policy and to establish good neighborly relations with Austria-Hungary; and not merely to refrain from official attempts to dispute the status of Bosnia as an integral part of the Dual Monarchy.

The Royal Government cannot be held responsible for manifestations of a private character, such as articles in the press and the peaceable work of societies—manifestations which take place in nearly all countries in the ordinary course of events, and which as a general rule are beyond official control. The Royal Government is all the less responsible, in view of the fact that at the time of the solution of a series of questions which arose between Serbia and Austria-Hungary it showed much consideration and thus succeeded in setting most of these questions to the mutual advantage of the two neighboring countries.

For these reasons the Royal Government has been painfully surprised at the allegations that citizens of the Kingdom of Serbia have participated in the preparations for the crime committed at Serajevo; the Royal Government had expected to be invited to collaborate in an investigation of all that concerns this crime, and it stood ready, in order to prove the entire correctness of its attitude, to take measures against any persons concerning whom representations might be made to it.

Complying with the desire of the Imperial and Royal Government, it is prepared to commit for trial any Servian subject, regardless of his station or rank, of whose complicity in the crime of Serajevo proofs shall be produced, and more especially it undertakes to publish on the first page of the "Journal officiel," on the date of the 13th/26th July, the following declaration:

"The Royal Government of Serbia condemns every propaganda directed against Austria-Hungary, and in general all the tendencies which aim at the ultimate detach-

The contention of the Royal Servian Government that utterances of the press and the activities of associations have a private character and are beyond the control of the State, is plainly at variance with the institutions of modern States, even of those which have the most liberal regulations in this respect; these regulations, designed to safeguard public polity and right, impose State supervision upon both press and associations. Moreover, the Servian institutions themselves provide for such supervision. The charge against the Servian Government is that it completely failed to supervise the Servian press and associations, although it well knew that both were engaged in a campaign against the Monarchy.

This assertion is incorrect. The Servian Government had been fully informed of the suspicion raised against certain designated persons, and therefore was not only in a position spontaneously to institute an investigation, but was even bound to do so by its own laws. It has done nothing at all in this respect.

Our demand read as follows:

"The Royal Government of Serbia condemns the propaganda directed against Austria-Hungary . . . "

ment from the Austro-Hungarian Monarchy of territories belonging to it, and it sincerely deplors the fatal consequences of these criminal activities.

"The Royal Government regrets that Servian officers and functionaries have participated, according to the communication of the Imperial and Royal Government, in the above-mentioned propaganda and thus compromised the good neighborly relations to which the Royal Government was solemnly pledged by its declaration of the 31st of March, 1909.

"The Royal Government, which disapproves and repudiates all idea of interfering or attempting to interfere with the destinies of the inhabitants of any part whatsoever of Austria-Hungary, considers it its duty formally to warn officers and functionaries, and the whole population of the Kingdom, that henceforth it will proceed with the utmost vigor against persons who may be guilty of such machinations, which it will use all its efforts to prevent and suppress."

This declaration will be brought to the knowledge of the Royal Army in an order of the day, in the name of his Majesty the King, by his Royal Highness the Crown Prince Alexander, and will be published in the next official army bulletin.

The Royal Government further undertakes:

1. To insert, at the first ordinary convocation of the Skuptchina, a provision into the press law for the most severe punishment of incitement to hatred and contempt of the Austro-Hungarian Monarchy, and for taking action against any publication the general tendency of which is directed against the territorial integrity of Austria-Hungary.

The alteration made by the Royal Servian Government in the declaration demanded by us implies either that such a propaganda against Austria-Hungary does not exist, or that its existence is not within the knowledge of the Royal Government. This formula is insincere and equivocal; it is intended to furnish the Servian Government with a loophole for future emergencies. The Servian Government might, in future, interpret this declaration as neither a disavowal of the existing propaganda, nor an admission of its hostility to the Monarchy; it might, furthermore, base thereon the claim that it is not bound to suppress any future propaganda similar to the present one.

The wording of our demand was: "The Royal Government regrets that Servian officers and functionaries have participated in"
By the additional phrase, "according to the communication from the Imperial and Royal Government," the Royal Servian Government seeks, as indicated above, to keep a free hand for the future.

We had demanded:

1. The suppression of "any publication which incites to hatred and contempt of the Austro-Hungarian Monarchy, and the general tendency of which is directed against its territorial integrity."

We thus wished to establish Serbia's obligation to provide for the prevention of such press attacks in the future; we wished, therefore, to secure definite results in the present instance.

Servia, instead, offers to decree

The Government engages, at the impending revision of the Constitution, to add to Article 22 of the Constitution an amendment permitting that such publications be confiscated, a proceeding at present impossible according to the clear provisions of Article 22 of the Constitution.

certain laws intended to serve as means to that purpose, to wit:

(a) A law providing individual punishment of above-mentioned press utterances hostile to the Dual Monarchy. This is all the more immaterial to us, as it is a notorious fact that individual prosecution of press offences is very rarely possible, and as, furthermore, the lax application of such a law would leave unpunished even the few cases that might be prosecuted. This proposal, therefore, in no way meets our demand, as it gives no guarantee whatever for the results desired by us.

(b) An addition to Article 22 of the constitution, permitting confiscation, as referred to in the Servian note. This proposal likewise must fail to satisfy us. The existence of such a law in Servia is of no avail to us, whereas only a pledge by the Government to apply it would be useful. This, however, has not been promised to us.

These proposals are, therefore, quite unsatisfactory, all the more so because they are also evasive, as they do not state the time within which these laws shall be decreed. Besides, no provision is made for the event of a rejection of the bills by the Skuptchina—not to mention a possible resignation of the Cabinet—in which case matters would remain unchanged.

2. The Government possesses no proof, nor does the note of the Imperial and Royal Government furnish it with any, that the "Narodna Odbrana" and other similar societies have committed up to the present any criminal act of this nature through the proceedings of any of their members. Nevertheless, the Royal Government will accept the demands of the Imperial and Royal Government and will dissolve the "Na-

The propaganda against the Monarchy conducted by the "Narodna Odbrana" and its affiliated associations permeates the entire public life of Servia; the Servian Government's declaration that it knows nothing about this propaganda, is, therefore, an absolutely inadmissible act of evasion. Setting this contention aside, our demand is not wholly met, as we have also demanded:

The confiscation of the means

rodna Odbrana" Society and every other association which may be directing its efforts against Austria-Hungary.

3. The Royal Servian Government undertakes to remove without delay from the system of public instruction in Servia all that serves or could serve to foment propaganda against Austria-Hungary, whenever the Imperial and Royal Government shall furnish it with facts and proofs of such a propaganda.

4. The Royal Government also agrees to remove from the military and the civil service all such persons as the judicial inquiry may have proved to be guilty of acts directed against the territorial integrity of the Austro-Hungarian Monarchy, and it expects the Imperial and Royal Government to communicate to it at a later day the names and the acts of these officers and officials for the purposes of the proceedings which are to be taken against them.

of propaganda of these societies.

The prevention of the reorganization of the dissolved societies under other names and in other guise.

These two points the Belgrade Government ignores, thus eliminating even the guarantee which the preceding half-promise would imply that the proposed dissolution would put an end, once for all, to the activities of the societies hostile to the Dual Monarchy, and especially of the "Narodna Odbrana."

In this case, be it noted, moreover, the Servian Government first demands proofs that a propaganda against the Monarchy is being carried on in Servia's public instruction; this, too, when the Servian Government must know that the books in use in Servian schools contain much objectionable matter, and that a large number of the Servian teachers are connected with the Narodna Odbrana and its affiliated association.

The Servian Government has again in this instance failed to comply with our demand in the way indicated by us, inasmuch as the phrase, "with regard to both the teaching-staff and the means of instruction," has been omitted in the Servian note. In this eliminated phrase are clearly pointed out the mediums whereby the propaganda against the Dual Monarchy is being conducted in the Servian schools.

If the dismissal of the military officers and civil officials referred to from the Government service should be conditional upon their guilt being first confirmed by means of a trial, the Servian Government restricts its acceptance of our demand to cases where persons are charged with having committed a crime punishable under the provisions of the penal code. Since we, however, demanded the removal of officers and officials who carry on a propaganda hostile to

5. The Royal Government must confess that it does not clearly understand the meaning or the scope of the demand made by the Imperial and Royal Government that Servia shall undertake to accept the collaboration of officials of the Imperial and Royal Government upon Servian territory, but it declares that it will admit such collaboration as agrees with the principle of international law, with criminal procedure, and with good neighborly relations.

6. It goes without saying that the Royal Government considers it a duty to begin an inquiry against all such persons as are, or possibly may be, implicated in the plot of the 15/28 June, and who may happen to be within the territory of the kingdom. As regards the participation in this inquiry of Austro-Hungarian agents or authorities appointed for this purpose by the Imperial and Royal Government, the Royal Government cannot accept such an arrangement, as it would constitute a violation of the Constitution and of the law of criminal procedure; nevertheless, in concrete cases communications as to the results of the investigation in question might be given to the Austro-Hungarian agents.

the Monarchy, our demand is palpably not complied with in this respect, for the reason that in Servia the propaganda of which we complain does not constitute an offense punishable by law.

International law and the penal code governing criminal proceedings have nothing whatever to do with this question; this is purely a problem of national polity to be settled by a special mutual arrangement. Servia's reservation is, therefore, unintelligible and, on account of its vague and undefined form, is likely to give rise to insurmountable difficulties in the attainment of a final settlement.

Our demand was perfectly clear and could not be misunderstood. We demanded:

1. The institution of a legal investigation against those who participated in the plot.

2. The coöperation of Austro-Hungarian officials in the inquiry (*recherches*, in contradistinction to *enquête judiciaire*).

We did not contemplate the participation of Austro-Hungarian officials in the Servian legal proceedings; these officials were only to coöperate in the preliminary police investigation, which was to seek out and collect the data for the judicial inquiry.

If the Servian Government has misunderstood us, it has done so intentionally, since it must be familiar with the difference between an *enquête judiciaire* (a judicial inquiry) and simple *recherches* (a preliminary police investigation).

Since the Servian Government wishes to evade every form of control in connection with the proposed investigation which, if correctly conducted, would adduce results highly undesirable for that Government; and since it is unable to decline on plausible grounds the coöperation of our officials in the police preliminaries,—a police

7. The Royal Government proceeded on the very evening of the delivery of the note, to arrest Commandant Voijsa Tankositch.

As regards Milan Ciganovitch, who is a subject of the Austro-Hungarian Monarchy and who up to the 15th June was employed (on probation) by the directorate of railways, it has not yet been possible to find out his whereabouts. Notices for his apprehension have been published in the press.

The Austro-Hungarian Government is requested to be so good as to supply as soon as possible, in the customary form, the presumptive evidence of guilt as well as the possible proofs of guilt which have been collected up to the present time, at the inquiry at Serajevo, for the purposes of the Servian inquiry.

8. The Servian Government will reinforce and extend the measures which have been taken for suppressing the illicit traffic in arms and explosives across the frontier.

It goes without saying that the Servian Government will immediately order an inquiry and will severely punish the frontier officials on the Schabatz-Loznitz line who have failed in their duty and allowed the authors of the crime of Serajevo to pass.

9. The Royal Government will gladly furnish explanations of the remarks made by its officials, whether in Servia or abroad, in interviews after the crime, and which, according to the statement of the Imperial and Royal Government, were hostile to the Monarchy, as soon as the Imperial and

intervention for which there are a great number of precedents—it has adopted a contention designed to furnish an apparent justification of its refusal to comply with our demand and to make our demand appear impossible of acceptance.

This reply is equivocal.

Our investigations have shown that Ciganovitch took a leave of absence three days after the assassination, when it became known that he had participated in the plot; and that under orders from the Belgrade Police Department he proceeded to Ribari. It is, therefore, untrue that Ciganovitch had retired from the Government's service as early as the 15/28th of June. In addition, it should be stated that the Chief of the Belgrade Police, who himself had caused Ciganovitch's departure and knew his whereabouts, stated in an interview that no person of the name of Milan Ciganovitch existed in Belgrade.

The interviews here referred to must be well known to the Servian Government. The request that the Austro-Hungarian Government furnish details concerning these interviews, and the fact that the Servian Government reserves the exclusive right to conduct the formal investigation in

Royal Government shall have communicated to it the passages in question in these remarks, and as soon as it shall have shown that the remarks were actually made by the said officials, in connection with which the Royal Government itself will take steps to collect evidence.

10. The Royal Government will inform the Imperial and Royal Government of the execution of the measures comprised under the above heads, in-so-far as this has not already been done by the present note, as soon as each measure shall have been ordered and carried out.

If the Imperial and Royal Government is not satisfied with this reply the Servian Government, considering that it is not to the common interest to take precipitate action in the solution of this question, is ready, as always, to accept a pacific understanding, either by referring this question to the decision of the International Tribunal at The Hague, or to the Great Powers which took part in the drawing up of the declaration made by the Servian Government on the 18/31 March, 1909.

Belgrade, July 12/25, 1914.

this matter, prove that on this point, as on others, Servia has no serious intention to accede to our demands.

XXXV. Count Szögyény to Count Berchtold

(Telegram.)

Berlin, July 28, 1914.

Great Britain's proposal for a conference in London, in which Germany, Italy, Great Britain and France should take part, has been rejected by Germany on the ground that Germany could not bring her ally before a European tribunal for adjudication of Austria-Hungary's differences with Servia.

XXXVI. Baron Müller to Count Berchtold

(Telegram.)

Tokio, July 28, 1914.

To-day's semi-official "Japan Times" concludes an editorial by saying that Japan is on the best of terms with the three Great Powers concerned, namely, Austria-Hungary, Germany and Russia, and had no interests whatever in Servia.

In the event of war the Imperial Government would naturally remain strictly neutral.

XXXVII. Count Berchtold to the Royal Servian Foreign Office, Belgrade

(Telegram.)

Vienna, July 28, 1914.

The Royal Servian Government having failed to give a satisfactory reply to the note which was handed to it by the Austro-Hungarian Minister in Belgrade on July 23rd, 1914, the Imperial and Royal Government is compelled to protect its own rights and interests, by a recourse to armed force.

Austria-Hungary, therefore, considers herself from now on to be in state of war with Servia.

XXXVIII. Count Berchtold to Count Szögyény, Berlin

(Telegram.)

Vienna, July 28, 1914.

For your information and for transmission to the Secretary of State.

I have received from Count Mensdorff the following telegram, dated the 27th inst.:

I had occasion to-day to explain fully to Sir Edward Grey, that our action does not mean aggression but self-defense and self-preservation, and that we do not contemplate conquest of Servian territory or destruction of Servian independence. We desire to obtain satisfaction for the past and guarantees for the future.

In so doing I made use of certain points in your instructions to Count Szápáry. Sir Edward Grey said he felt very much disappointed at the fact that we dealt with the Servian reply as if it were a downright refusal.

He had expected that this reply would furnish a basis upon which the four other governments would be able to elaborate a satisfactory arrangement.

This had been his idea when he suggested a conference. The conference would meet on the assumption that Austria-Hungary as well as Russia would refrain from all military operations while the other powers endeavored to find a satisfactory solution. (To-day's declaration by Sir Edward Grey in the House of Commons enlarges upon the project of the conference.)

When he made the suggestion that we should refrain from military operations against Servia, I expressed the fear that it might possibly be too late.

The Secretary of State was of the opinion that we were taking a great risk if we were bound, under all circumstances, to make war on Servia, on the assumption that Russia would remain inactive. Should we be able to persuade Russia to refrain from action, he would have no more to say; if not, the possibilities and dangers were incalculable.

As a symptom of the feeling of uneasiness prevalent in England, he pointed out that the Great British fleet which had been concentrated in Portsmouth after the manoeuvres and was to have been dispersed to-day, would remain there for the time being. "We

would not have called out any reserves," he observed, "but since they are gathered, we cannot send them home at this moment."

The object of his suggestion of a conference is to avert a collision among the Great Powers, if possible, and presumably to isolate the conflict. Should Russia mobilize and Germany take action, the project of a conference would automatically fall through.

It seems to me superfluous to point out to you that Grey's project of a conference has been superseded by the course of events inasmuch as it concerns our conflict with Serbia, in view of the existing state of war.

XXXIX. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, July 28, 1914.

We attach great importance to Sir Edward Grey's impartial appreciation of our action in Serbia in general, and of our rejection of the Servian note in particular. I therefore request you to explain in detail to the Secretary of State the dossier which has been dispatched to you by post, and to emphasize the salient points in it. In the same sense you will discuss with Sir Edward Grey the critical comments on the Servian note (copy of the note together with our comments was dispatched to you by yesterday's post) and make clear to him that Serbia has only apparently met our demands with the object of deceiving Europe, without giving any guarantee as to the future.

In view of the fact that the Servian Government was fully aware that the unconditional acceptance of our demands alone could satisfy us, the Servian tactics are easily fathomed. Serbia has accepted, with various reservations, several of our demands in order to deceive public opinion in Europe, confident that she never would be called upon to carry out her promises. In your conversation with Sir Edward Grey, you will lay particular stress upon the circumstance that the general mobilization of the Servian army was ordered for July the 25th, 3 o'clock P. M., while the reply to our note was handed in shortly before the expiration of the stipulated time, a few minutes before 6 o'clock.

We had previously made no military preparations, but were forced to make them by the Servian mobilization.

XL. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, July 28, 1914.

For your information and guidance:

The Imperial Russian Ambassador called on me to-day to inform me of his return from Russia after a short leave of absence, and at the same time to comply with telegraphic instructions received from M. Sazonow. The latter had informed him of having had a long and friendly conversation with you (re your telegram of the 27th inst.) in the course of which you had, with great readiness, analyzed the different points of Serbia's response. M. Sazonow held the opinion that Serbia had met our demands to a great extent, but that he considered several of these demands to be unacceptable, a view which he already had communicated to you. Under the circum-

stances the Servian response appeared to him to furnish the basis for an understanding, to which the Russian Government would willingly lend a hand. M. Sazonow therefore wished to propose that the exchange of views be continued with you and that I should instruct you to that effect.

I replied that I could not agree to such a proposal. Nobody in Austria-Hungary would understand or approve such a discussion of a note which we already had found unsatisfactory. Such a discussion appears all the more impossible since public opinion is already deeply and generally excited, as the Ambassador must be well aware. Moreover, we have declared war on Servia to-day.

The Ambassador's arguments were chiefly to the effect, that we would not stamp out the admitted ill-feeling in Servia by force of arms, but that on the contrary we would inflame it still further. In reply I shed some light upon our actual relations with Servia, which made it inevitable that we should, however reluctantly and without any underhand design, exert the necessary pressure to make it clear to our restless neighbor that we are irrevocably resolved no longer to permit a movement tolerated by the Servian Government and directed against the existence of the Dual Monarchy. Moreover, Servia's attitude after the receipt of our note was not such as would make possible a peaceful settlement, because Servia, before presenting her unsatisfactory reply, had ordered a general mobilization, and by so doing had committed a hostile act against us. Nevertheless, we had waited three more days.

Yesterday, Servia inaugurated hostilities against us on the Hungarian border. Thus we are compelled to abandon our forbearing attitude toward Servia. It has now been made impossible for us to bring about a complete and peaceful adjustment of relations with Servia, and we are forced to meet the Servian provocations in the only manner compatible with the dignity of the Dual Monarchy under the circumstances.

XLI. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, July 28, 1914.

The British Ambassador called on me this morning and, according to instructions, explained Sir Edward Grey's attitude on our controversy with Servia, as follows:

The British Government has followed with great interest the course of the crisis up to date, and wishes to assure us of its sympathy with the stand we have taken and of its thorough understanding of our grievances against Servia.

Although Great Britain has no special concern about our difficulty with Servia as such, the London Cabinet could not ignore the conflict, inasmuch as it involves the possibility of extending into widening eddies and thereby endangering the peace of Europe.

Only on this ground was Sir Edward Grey prompted to invite the Governments of the countries not directly interested in this conflict (Germany, Italy and France) to examine all the possibilities by a continuous exchange of views and to consider methods of as speedy a settlement as possible. The Secretary of State considers it expedient that, following the precedent of the London Conference during the last Balkan crisis, the Ambassadors of the aforesaid States in London should keep in continuous touch with him.

Sir Edward Grey already has received responses in which the above-mentioned Governments expressed their cordial assent to his suggestion. For the present the Secretary of State would desire, if possible, to prevent at the eleventh hour the outbreak of hostilities between Austria-Hungary and Servia. Should this, however, not be possible, he was anxious to avoid a bloody collision, possibly by inducing Servia to withdraw her troops without giving battle. Servia's reply to us seems to offer the basis for an understanding, in the opinion of Sir Edward Grey. England, he intimated, was willing to use her influence in this direction, subject to our desire.

I thanked the Ambassador for Sir Edward Grey's communication, and replied that I fully appreciated the views of the Secretary of State. His point of view, however, necessarily differs from mine, since Great Britain has no direct interest in our dispute with Servia, and because the Secretary of State could hardly be thoroughly cognizant of the seriousness and importance of the pending questions for the Dual Monarchy. Sir Edward Grey's suggestions concerning the possibility of preventing an outbreak of hostilities are somewhat belated since, as early as yesterday, the Servians had opened fire on our frontier-guards, and also because we declared war upon Servia to-day. Referring to the idea of an exchange of views on the basis of the Servian response, I have to decline the suggestion. We had demanded an unqualified acceptance. Servia had endeavored to extricate herself from an embarrassing situation by means of quibbles. With such tactics we were only too familiar.

I added that Sir Maurice de Bunsen's personal experience surely placed him in a position to appreciate fully our standpoint and to explain it accurately to Sir Edward Grey.

Inasmuch as Sir Edward Grey is desirous to serve the cause of European peace, he certainly will meet with no opposition from us. But he should realize that the peace of Europe would not be preserved if Great Powers stood behind Servia and assured her of impunity. Suppose, even, that we agreed to attempt such a compromise, Servia as a result would only be encouraged to persevere in her old tactics—a situation which would once more endanger peace in a very short time.

The British Ambassador assured me that he perfectly understood our standpoint; but, on the other hand, he regretted that, under the circumstances, there was no chance of attaining the British Government's desire to bring about a peaceful compromise. He hoped to be allowed to remain in touch with me, particularly on account of the grave danger of a European conflagration.

I replied that I was always at the Ambassador's disposal, and with this the interview terminated.

XLII. Count Berchtold to Count Szögyény, Berlin

(Telegram.)

Vienna, July 28, 1914.

I request you to call at once on the Imperial Chancellor or on the Secretary of State and to convey to him the following in my behalf:

According to corroborative news from St. Petersburg, Kieff, Warsaw, Moscow and Odessa, Russia is making extensive military preparations. M. Sazonow, however, as well as the Russian Minister of War, have given their word of honor that a mobilization had not yet been ordered. The latter Minister, however, has advised the German military attaché that the

military districts of Kieff, Odessa, Moscow and Kazan, which adjoin Austria-Hungary, would be mobilized if our troops crossed the Servian border.

Under these circumstances I would urgently request the Berlin Cabinet to consider whether Russia's attention should not be called, in a friendly manner, to the fact that the mobilization of the above-mentioned districts would be equivalent to a threat to Austro-Hungary, and that should it actually occur it would have to be met by Austria-Hungary and her ally, the German Empire, with the most comprehensive military counter-measures.

In order to facilitate the possible adoption of a more conciliatory attitude by Russia, we think it advisable that such a move should be initiated by Germany, alone, although we would, of course, be prepared to join in the action.

Plain language would seem to me to be the most effective measure at this moment, in order to bring home to Russia the lengths to which her menacing attitude may lead.

XLIII. Count Berchtold to Count Szögyény, Berlin

(Telegram.)

Vienna, July 28, 1914.

The Imperial German Ambassador has advised me that Sir Edward Grey has approached the German Government with a request that it use its influence with the Imperial and Royal Government to the effect that the latter either consider the reply from Belgrade satisfactory or else accept it as a basis for discussions between the cabinets.

Herr von Tschirschky was instructed to submit the British proposal to the Vienna cabinet for its consideration.

XLIV. Count Berchtold to the Imperial and Royal Ambassadors in St. Petersburg, London, Paris and Rome

(Telegram.)

Vienna, July 29, 1914.

For your information:

I have conveyed to the Imperial German Ambassador to-day, the following memorandum in reply to a communication by him:

MEMOIR

The Austro-Hungarian Government has noted with profound thanks the communication which the Imperial German Ambassador transmitted to it on the 28th instant, by request of the British cabinet, to the effect that the Imperial German Government use its influence with the Vienna cabinet in an effort to induce the latter, either to approve the response from Belgrade or else to accept it as a basis for discussions.

Referring to the communication made by the British Secretary of State to Prince Lichnowsky, the Imperial and Royal Government wishes to point out, in the first place, that Servia's reply by no means conveys an assent to all our demands with one sole exception, as Sir Edward Grey seems to assume, but on the contrary, contains reservations in almost every clause, so that the value of the concessions is essentially reduced. The clause which

has been entirely rejected covers the very points which would have afforded us some guarantee for the realization of our object.

The Imperial and Royal Government cannot conceal its surprise at the assumption that its action against Serbia was aimed at Russia and Russian influence in the Balkans, a supposition which would imply that the propaganda against the Dual Monarchy is not only Servian but also of Russian origin.

Hitherto we have presumed that official Russian circles had no connection with the agitation against the Dual Monarchy, and our present action is directed solely against Serbia, while our sentiments toward Russia are perfectly friendly, as we can assure Sir Edward Grey.

At the same time the Austro-Hungarian Government must point out that, to its sincere regret, it no longer is in a position to meet the Servian reply in the spirit of the British suggestions, since at the time when the German request was presented here, a state of war already existed between the Dual Monarchy and Serbia, and thus the Servian reply had been superseded by events.

The Imperial and Royal Government wishes to call attention to the fact that the Royal Servian Government has proceeded to the mobilization of the Servian forces before it replied to our note, and subsequently has allowed three days to elapse without showing any disposition to modify its point of view, whereupon we have declared war.

Should the British Cabinet be prepared to exert its influence upon the Russian Government for the maintenance of peace among the Great Powers, and for a localization of the war which had been forced upon us by the Servian agitation of many years' standing, such efforts would meet with the Imperial and Royal Government's appreciation.

XLV. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 29, 1914.

France undoubtedly is making military preparations as announced by the newspapers, though the latter may possibly be exaggerating. According to strictly confidential information, Baron Schoen has been instructed to touch upon the topic of these military preparations with M. Viviani today, and to point out that under the circumstances, Germany might be compelled to adopt similar measures, which, of course, could not be concealed and which would cause great excitement when they should become known to the public.

Thus both countries, though only desirous of peace, might be driven to at least a partial mobilization, which would be dangerous.

Moreover Baron Schoen, acting on instructions, will also declare that Germany anxiously desires that the conflict between us and Serbia shall remain localized, and that Germany counts on the support of France on this point.

XLVI. Count Szögyény to Count Berchtold

(Telegram.)

Berlin, July 29, 1914.

As early as Sunday the German Government declared at St. Petersburg that a mobilization by Russia would be followed by a mobilization by Germany.

Thereupon the Russian Government replied in the sense of my telegram of the 27th instant. Another telegram was sent to St. Petersburg to-day, to the effect that Germany may be compelled to mobilize if Russia carries on her mobilization any further.

XLVII. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 29, 1914.

On information received from the German Ambassador that M. Sazonow appeared greatly disturbed by your apparent unwillingness to continue discussions with Russia and by the Austro-Hungarian order of mobilization, which appears to him to exceed the necessary scope and therefore is believed to be directed against Russia, I called upon the Minister in an attempt to clear up misconceptions which seemed to exist.

The Minister asserted that Austria-Hungary had refused point blank to discuss matters any further. In accordance with your telegram of the 28th instant, I explained that in view of recent events, you certainly had refused to discuss any further the wording of the notes and our conflict with Servia in general; that, on the other hand, I have to state that I was in a position to open a much wider field for discussion by declaring that we do not wish to interfere with any Russian interests and that we do not intend to take any Servian territory; provided, always, that the conflict be localized between Austria-Hungary and Servia; that, moreover, we did not intend to violate Servia's sovereignty. I expressed my firm conviction that you would always be willing to keep in touch with St. Petersburg with regard to Austro-Hungarian and Russian interests.

M. Sazonow replied that he felt reassured on the territorial question, but that he must adhere to his former view that the enforcement of our demand would place Servia in a condition of vassalage; that such an event would affect the equilibrium of the Balkans and thereby would infringe upon Russian interests. He then reverted to the discussion of the note, to Sir Edward Grey's action, etc., and again suggested that he recognized our legitimate interests and wished to satisfy them fully, but that this should be done in a manner acceptable to Servia. I rejoined that these were not Russian but Servian interests, whereupon Sazonow retorted that in this case Russian interests were identical with Servian interests. In order to find an issue from this vicious circle, I passed to another topic.

I observed that it had been brought to my notice that some apprehension was felt in Russia, because we had mobilized eight army corps for action against Servia. M. Sazonow stated that not he but the Chief of the General Staff had expressed uneasiness, and that he himself knew nothing about it. I endeavored to convince M. Sazonow that any unbiased person could be easily convinced that our southern army corps could not be a menace to Russia.

I pointed out to the Minister that it might be well to inform his Imperial Majesty, the Czar, of the true situation, the more so, because it is urgently necessary for the preservation of the peace that an immediate stop be put to this race in military preparations, which appeared imminent as the result of this information. M. Sazonow said in a significant manner—and his observation shed an illuminating light upon the situation—that he would inform the Chief of the General Staff, as that officer conferred with His Majesty every day.

The Minister also said that an Ukase was being signed to-day, ordering a somewhat extensive mobilization. He could, however, declare in an absolutely official way that these forces were not intended for a sudden attack upon us, but would be kept under arms in case Russia's interests in the Balkans should be menaced. An explanatory note, he said, would confirm this assurance that it was only a question of a precautionary measure, which Czar Nicholas had deemed justifiable on the ground that we not only have the advantage of a quicker mobilization, but also have the benefit of so long a start. I emphatically drew Sazonow's attention to the impression which such measures are bound to create in Austria-Hungary. I expressed my doubts as to whether the explanatory note would be able to soften that impression, whereupon Sazonow reiterated his assurance that this measure is absolutely inoffensive (!)

XLVIII. Count Berchtold to Count Szögyény, Berlin

(Telegram.)

Vienna, July 29, 1914.

Herr von Tschirschky has just told me that the Russian Ambassador has informed him that his Government had communicated to him the fact that the Military Districts of Kieff, Odessa, Moscow and Kazan would be mobilized. Russia considers her honor as a great power to have been offended, and therefore she has been obliged to take adequate measures. The Russian mobilization is being confirmed by our generals commanding the Army Corps in Galicia, and, according to our Military Attaché was not denied by M. Sazonow in his conference with the German Ambassador.

You are instructed to convey the above information to the German Government without delay and to point out emphatically that for military reasons our general mobilization will have to be ordered at once, unless the Russian mobilization is stopped immediately.

As a last attempt to avert a European war, I consider it desirable that our Envoy and the German Representative in St. Petersburg, and if necessary also in Paris, be instructed at once to explain in an amicable way to the respective Governments that the continuation of the Russian mobilization would provoke counter-measures in Germany and Austria-Hungary, which necessarily would lead to the most serious consequences. You will add, that it is self-evident that we cannot allow any interference with our armed action in Servia.

The Imperial and Royal Ambassadors in St. Petersburg and Paris are being simultaneously instructed to make the above declaration as soon as their German colleagues receive the same instructions.

XLIX. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, July 30, 1914.

In reply to your telegram of July 29th, I am still ready, as before, to allow you to explain to M. Sazonow the individual points in our note to Servia, which has since been superseded by events. In this connection I would also make a point of discussing in a frank and friendly manner the questions which directly concern our relations with Russia, in accordance with the suggestion transmitted to me by M. Schebeko. From such a dis-

cussion, it is to be hoped, may result the elimination of the unfortunate misconception in this particular matter, as well as the peaceful development of our good relations with Russia.

L. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, July 30, 1914.

For your information and guidance:

I have explained to M. Schebeko to-day, that it had been reported to me that M. Sazonow was painfully impressed by my flat rejection of his suggestion of a conference between you and himself, and also because no exchange of views had taken place between myself and M. Schebeko.

With regard to the first proposal, I had already instructed you by telegraph to give M. Sazonow any explanation he might require concerning our note, although recent events have superseded that note. Such an explanation, however, could be confined to only belated elucidation, as we had intended never to abate any point in the note. I also stated that I had authorized you to make our relations with Russia the subject of an amicable exchange of views with M. Sazonow. The complaint that there had been no conference between myself and Schebeko must be based on a misunderstanding, as we—Schebeko and I—had discussed the pending questions only two days ago. The Ambassador confirmed this and said that he had sent a full report of our interview to M. Sazonow.

M. Schebeko then explained why our action against Serbia had caused such anxiety in St. Petersburg. He asserted that we, as a Great Power, were taking action against the small Servian State, without conveying any knowledge of our intention at St. Petersburg, as to whether we would infringe upon its Sovereignty, overthrow it, or even crush it out of existence. Being connected with Serbia by historic and other ties, Russia could not remain indifferent to Serbia's fate. Every attempt has been made in St. Petersburg to impress upon Belgrade the necessity of complying with our demands. This, however, at a time when it could not have been known what demands we would formulate.

But even now, after the demands have been made, every influence would be exerted, I was assured, to obtain all possible concessions to our wishes. I begged the Ambassador to remember that we had repeatedly stated that we were not following a policy of conquest in Serbia, that we did not intend to infringe upon her Sovereignty, but that we merely desired to attain a solution which would afford us a guarantee against further agitations on the part of Serbia. In enlarging upon the subject of our intolerable relations with Serbia, I plainly gave Schebeko to understand to what extent Russian diplomacy was responsible for this state of things, though surely against the inclination of the leading men in Russia.

In the course of our conversation I referred to the Russian mobilization, which had meanwhile been brought to my knowledge. Since the mobilization is restricted to the military districts of Odessa, Kieff, Moscow and Kazan, it bears the character of a hostile demonstration against the Dual Monarchy. The cause of this measure is unknown to me, since there is no matter in dispute between us and Russia. Austria-Hungary has mobilized her troops solely against Serbia, and not one man against Russia. The very fact that the 1st, Xth, and XIth army corps have not been mobilized, bears out my statement. Since Russia is obviously mo-

bilizing against us, we are compelled to extend our own mobilization; I, however, wish to point out expressly, that this measure should not be considered as a hostile act against Russia, but simply as a response to the Russian mobilization.

I asked M. Schebeko to report the above to his Government, which he undertook to do.

LI. Count Berchtold to the Imperial and Royal Ambassadors in London and St. Petersburg

(Telegram.)

Vienna, July 31, 1914.

I am telegraphing to Berlin as follows:

Herr von Tschirschky, acting on instructions, informed me yesterday of a conversation between Sir Edward Grey and Prince Lichnowsky, in the course of which the Secretary of State made the following declaration to the German Ambassador:

Sazonow has made known to the British Government that, since Austria-Hungary has declared war on Serbia, he was no longer in a position to treat directly with Austria-Hungary, and therefore requested Great Britain to resume her mediation. As a condition of this mediation, however, the Russian Government stipulates the suspension of hostilities in the meanwhile.

Commenting upon this Russian suggestion, Sir Edward Grey told Prince Lichnowsky that Great Britain was considering a plan of mediation *à quatre*, and held such mediation to be urgent and essential for the avoidance of a general war.

You are instructed to thank the Secretary of State warmly for the communication made by Herr von Tschirschky and to express our readiness to consider Sir Edward Grey's proposition to mediate between us and Serbia despite the changes brought about in the situation by Russia's mobilization.

Our acceptance, however, is subject to the condition that our military action against Serbia shall nevertheless proceed and that the British Cabinet shall induce the Russian Government to stop the mobilization directed against us. It is understood that in this case we would at once cancel our defensive military counter-measures in Galicia, which had been forced upon us by Russia's mobilization.

LII. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 31, 1914.

Early this morning an order was issued for the general mobilization of the entire army and navy.

LIII. Count Berchtold to the Imperial and Royal Embassies, Legations and Consulates

(Telegram.)

Vienna, July 31, 1914.

For your information and for use at the respective Governments:

In response to Russian Government's order for mobilization at our frontier we are forced to take similar measures in Galicia.

These measures are of a purely defensive character and are solely due to the pressure of the Russian preparations, which we greatly regret, as we have no aggressive intentions whatever against Russia, and desire the continuation of the same friendly relations as heretofore.

Negotiations dealing with the situation are proceeding between the cabinets at Vienna and at St. Petersburg, and we still hope that they may lead to a general understanding.

LIV. Count Szécsen to Count Berchtold

(Telegram.)

Paris, July 31, 1914.

The German Ambassador, on instructions from his Government, has made a declaration here to the effect that, if the Russian general mobilization shall not be stopped within twelve hours, Germany also will mobilize. At the same time Baron Schoen inquired whether France would remain neutral in the event of a Russo-German war. He requested an answer to this question within eighteen hours. The time-limit expires to-morrow, Saturday, at 1 o'clock P. M.

LV. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, July 31, 1914.

Received your telegram of the 30th inst. My telegram of the 29th inst. will have acquainted you with the fact that I had resumed the exchange of views with M. Sazonow without waiting for instructions and practically on the basis now suggested by you, without succeeding, however, in bringing the conflicting viewpoints nearer to an agreement.

Meanwhile the conversations between the German Ambassador and the Russian Minister of Foreign Affairs have made it clear that Russia would not be content even with a formal declaration by Austria-Hungary that she would not reduce Servian territory, nor infringe upon her Sovereignty, nor violate any Russian interest in the Balkans, or elsewhere. Moreover, Russia has, since then, ordered a general mobilization.

LVI. Count Szápáry to Count Berchtold

(Telegram.)

St. Petersburg, August 1, 1914.

On my visit to M. Sazonow to-day, I declared that I had received certain instructions, but that I was not aware of the situation created in Vienna by the Russian general mobilization.

Therefore, in carrying out the instructions which had been despatched to me before that event, I could not take into account the newly-created situation. I said that the two points of your instructions dealt with the misunderstanding arising out of our refusal to discuss matters any further with Russia. As I had said even before I was authorized to do so, this conception is erroneous. I pointed out that you were not only willing to enter into negotiations with Russia on a most comprehensive basis, but even to discuss the wording of our note, inasmuch as it was only a question of interpretation.

I emphasized the point that your instructions once more bear out

your good intentions; that I was still ignorant of the effect produced in Vienna by the Russian general mobilization and that I could but hope that events might not yet have carried us too far. In any case I considered it my duty at the present momentous juncture to furnish another proof of the good will of the Austro-Hungarian Government.

M. Sazonow in reply, expressed his satisfaction at this evidence of our good intentions, but observed that for obvious reasons the neutral ground of London would promise better success for the proposed negotiations than St. Petersburg. I replied that you desired to be in direct touch with St. Petersburg, and that I was consequently unable to give an opinion on the suggestion, but would not fail to convey it to you.

LVII. Count Szögyény to Count Berchtold

(Telegram.)

Berlin, August 2, 1914.

The Secretary of State has just advised me that no reply to the German inquiry has arrived from Russia.

Russian troops have crossed the German border near Schwiddin (southeast of Bialla). Russia has, therefore, attacked Germany. Germany consequently considers herself to be in state of war with Russia.

The Russian Ambassador was handed his passports this forenoon; he probably will leave to-day.

LVIII. Count Mensdorff to Count Berchtold

(Telegram.)

London, August 4, 1914.

I have just seen Sir Edward Grey. The British Government has addressed an ultimatum to Germany on the subject of Belgium. He expects reply at midnight.

Sir Edward Grey holds, that meanwhile, there was no reason for a similar communication to the Imperial and Royal Government, and no cause for a conflict with us, as long as we are not at war with France. He hoped we would not open hostilities without a previous formal declaration of war. He will not recall Sir M. de Bunsen.

Should we enter into a state of war with France, Great Britain, as an ally of France, would find it difficult to coöperate with the latter in the Atlantic, and not in the Mediterranean.

LIX. Count Berchtold to Count Szápáry, St. Petersburg

(Telegram.)

Vienna, August 5, 1914.

You are instructed to hand the following note to the Russian Minister of Foreign Affairs:

By order of his Government, the undersigned Ambassador of Austria-Hungary has the honor to notify His Excellency, the Russian Minister of Foreign Affairs, as follows:

"In view of the threatening attitude assumed by Russia in the conflict between the Austro-Hungarian Monarchy and Serbia, and in view of the fact that, in consequence of this conflict, and

according to a communication of the Berlin Cabinet, Russia has considered it necessary to open hostilities against Germany; furthermore, in view of the fact that the latter consequently has entered into a state of war with the former Power, Austria-Hungary considers herself equally in a state of war with Russia."

After having presented this note, you will ask for the return of your passports and take your departure without delay accompanied by the entire staff of the Embassy, with the sole exception of those officials who may have to remain.

Simultaneously passports are being handed to M. Schebeko.

LX. Count Berchtold to Count Mensdorff, London

(Telegram.)

Vienna, August 6, 1914.

Received your telegram of the 6th inst.

You are instructed to assure Sir Edward Grey, that we shall under no circumstances begin hostilities against Great Britain without previous formal declaration of war, but that we also expect Great Britain to act on the same principle.

LXI. Count Szécsen to Count Berchtold

(Telegram.)

Paris, August 8, 1914.

The Minister of Foreign Affairs has sent for me and has informed me that the Innsbruck army corps has been dispatched to the French frontier, according to positive information received by him. M. Doumergue urgently desires to know whether this information is correct, and in the event of the affirmative to know the Imperial and Royal Government's intentions. France being at war with Germany, such a movement of troops to the French border is, in his opinion, incompatible with the state of peace existing between Austria-Hungary and France. M. Dumaine is instructed to make a similar representation to you.

LXII. Count Berchtold to Count Szécsen, Paris

(Telegram.)

Vienna, August 9, 1914.

Re your telegram of the 8th inst.

On information received from General Staff I authorize you to declare to the French Government that news of participation of our troops in the Franco-German war is a pure invention. I have made an identical declaration to M. Dumaine.

LXIII. Count Szécsen to Count Berchtold

(Telegram.)

Paris, August 10, 1914.

Received telegram of 9th August.

Immediately communicated contents to M. Doumergue. The Minister, having received a similar telegraphic report from M. Dumaine con-

cerning his conversation with you, is satisfied that our troops are not on the French frontier, but says that he has positive information that an Austro-Hungarian army corps has been transported to Germany, thus enabling the latter to withdraw her own troops from the German territories now occupied by our forces. In the Minister's view this facilitates the military operations of the Germans.

I have repeatedly called the Minister's attention to the wording of your reply; he recognizes that there could be no question of an active participation of our troops in the Franco-German war, but insists that the presence of our troops on German territory is undeniable and represents military support to Germany. Under these circumstances he has instructed the French Ambassador in Vienna to ask immediately for his passports and to leave Vienna with the entire staff of the Embassy, to-day.

The Minister told me that, under the circumstances, my presence here could be of no avail, but owing to public excitement, might even give rise to unpleasant incidents which he would like to avoid. He offered to have a special train ready to-night for my conveyance out of France. I replied that it would be impossible for me to obtain instructions from you by to-night, but in view of the recall of M. Dumaine, I begged him to have my passports handed to me.

LXIV. Count Berchtold to Count Mensdorff, London

Vienna, August 11, 1914.

The French Government has instructed its Ambassador here to ask for his passports on the ground that an Austro-Hungarian army corps has been sent to Germany, thereby enabling the German military authorities to withdraw their troops from the German territories now occupied by our forces.

This move by our General Staff is considered to constitute military support to Germany.

You are instructed to assure the British Government that this French assertion, according to authentic information, is unfounded.

LXV. Count Mensdorff to Count Berchtold

(Telegram.)

London, August 12, 1914.

I have just received from Sir Edward Grey the following communication:

By request of the French Government, which no longer is able to communicate directly with your Government, I wish to inform you of the following:

"After having declared war on Servia and having thus initiated hostilities in Europe, the Austro-Hungarian Government has, without any provocation on the part of the Government of the French Republic, entered into a state of war with France.

1st: After Germany had declared war successively upon Russia and France, the Austro-Hungarian Government has intervened in this conflict by declaring war on Russia, which was already in alliance with France.

2nd: According to manifold and reliable information Austria has sent troops to the German border under circumstances which constitute a direct menace to France.

In view of these facts the French Government considers itself compelled to declare to the Austro-Hungarian Government that it will take all measures necessary to meet the actions and menaces of the latter.

Sir Edward Grey added: "A rupture with France having thus been brought about, the Government of His Britannic Majesty is obliged to proclaim a state of war between Great Britain and Austria-Hungary, to begin at midnight."

LXVI. The Japanese Ambassador to Count Berchtold

Monsieur le Comte:

Vienna, August 20, 1914.

No doubt you already have been informed by Baron Müller of the nature of the communication made to the German Government by my Government on the 15th inst.; but, for your personal information, I beg to enclose herewith a copy of a telegram received from Tokio on the subject, although I have no instruction to do so.

ENCLOSURE

The Japanese Government, taking into serious consideration the present situation, and as the result of full communication with the British Government for the purpose of consolidating and maintaining the general peace in the regions of Eastern Asia, which forms one of the objects of the Anglo-Japanese alliance; have come to the decision of taking the necessary measures therefor in common with Great Britain; but before taking such measures, the Japanese Government thought it proper to once approach the German Government with a friendly advice which was communicated to them to the following effect on the 15th of August, 1914:

1. All German vessels of war to be immediately withdrawn from the waters in the neighborhood of Japan and China. The vessels which cannot be so withdrawn to be disarmed.

2. The German Government to deliver, unconditionally and without compensation, to the Japanese authorities, the entire leased territory of Kiau-Chau before the 16th of September, 1914, for the purpose of returning it to China.

The Japanese Government has declared to the German Government that unless their reply of unconditional acceptance of the above advice should be received before noon of Sunday, the 23rd instant, the Japanese Government shall take such action as they deem necessary.

It is sincerely hoped that the above advice, with such ample allowance of time for reply, may be accepted by the German Government; but should unfortunately, the German Government not accept the advice of the Japanese Government, the latter will be obliged to take the necessary measures in order to accomplish their object.

The reason that led the Imperial Government to assume the present attitude is, as already mentioned, none other than to safeguard the common interests of Japan and Great Britain mentioned in the Anglo-Japanese

alliance by consolidating the foundation of permanent peace in the regions of Eastern Asia, and the Japanese Government have no intention whatever of embarking on a policy of territorial expansion or any other design of self-interest. Consequently, the Imperial Japanese Government are resolved to respect, with the utmost care, the interests of third powers in Eastern Asia and not in the least to injure them.

LXVII. Count Berchtold to Count Clary, Brussels

(Telegram.)

Vienna, August 22, 1914.

I request you to inform the Royal Belgian Minister of Foreign Affairs without delay, as follows:

By order of my Government I have the honor to notify you, as follows:

In view of the fact that Belgium, having refused to accept the propositions addressed to her on several occasions by Germany, is now in military coöperation with France and Great Britain, both of which have declared war on Austria-Hungary; and in view of the recently established fact that Austrian and Hungarian subjects resident in Belgium have, under the eyes of the Royal authorities, been treated in a manner contrary to the most primitive laws of humanity, and inadmissible even toward subjects of a hostile State, Austria-Hungary is necessarily compelled to break off diplomatic relations and considers herself from now on in a state of war with Belgium.

I leave the country with the staff of the Legation and place the subjects of my country under the protection of the Minister of the United States of America in Belgium.

The Imperial and Royal Government has handed his passports to Count Errembault de Dudzeele.

LXVIII. Prince Hohenlohe to Count Berchtold

(Telegram.)

Berlin, August 23, 1914.

The Japanese Minister here has been informed by the Foreign Office that the German Imperial Government had no intention to reply to the Japanese ultimatum. The German Government has instructed its Ambassador in Tokio to leave Japan upon the expiration of the time-limit fixed by Japan for noon to-day. Simultaneously the Japanese Chargé d'Affaires is to be handed his passports.

At noon the Chargé d'Affaires received his passports; he will leave Berlin to-morrow morning with the Staff of the Embassy.

LXIX. Count Berchtold to Baron Müller, Tokio

(Telegram.)

Vienna, August 24, 1914.

The Commander of H. M. S. "Elisabeth" has been instructed to participate in the action at Tsingtau.

In view of Japan's action against our ally, the German Empire, I request you to ask for your passports, notify Consulates and leave Japan for America together with our colony and the Staffs of Embassy and Consulates. You will place our subjects and interests under the protection of the American Ambassador. Passports will be handed to Japanese Ambassador here.

LIST OF PUBLICATIONS

Nos. 1-66 (April, 1907, to May, 1913). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

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- Special Bulletin. The Great War and its Lessons, by Nicholas Murray Butler.
84. Additional Official Documents bearing upon the European War. November, 1914.
85. Documents Regarding the European War. Series III. December, 1914.
- Special Bulletin. Contemporary War Poems. December, 1914.
86. Documents Regarding the European War. Series IV. January, 1915.
- Special Bulletin: Race and Nationality, by Franz Boas. January, 1915.
87. Documents Regarding the European War. Series V.
88. Documents Regarding the European War. Series V.
89. Documents Regarding the European War. Series VI.

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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

A BRIEF OUTLINE OF THE NATURE AND AIMS OF PACIFISM



BY
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TRANSLATED BY
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APRIL, 1915

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The Association

The objections raised against the Peace Movement are mostly based upon an entirely wrong conception of the problem. Generally those ideas that are so strongly combatted, refuted and ridiculed are for the most part not involved at all.

The following paragraphs contain a brief outline of the fundamental ideas of Pacifism, which show how unfounded the common objections are.

It is not intended thereby to convert every adversary to Pacifism, but to crystallize the controversy and center it about the real issues.

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NATURE AND AIMS OF PACIFISM

I

"ETERNAL PEACE"

[One must discriminate between "No War" and "Peace."

The condition existing at present under normal circumstances between nations is not that of *peace*, as understood by Pacifism, but merely that of *no war*. Nor is it the object of the peace movement to bring about that peace which is made after a war. Such peace merely terminates war; it does not found peace. (An analogy as an illustration: A drunkard sober between drinks is not an abstainer.)

Who does not discriminate between "peace" and "no war" does not understand the fundamental principle of Pacifism; he reaches conclusions that do not touch the problem.

Only the so-called state of "peace" which really is a state of "no war" can be prolonged by ever-increasing armaments. (Therefore: "Si vis pacem, para bellum.") But this condition cannot be maintained permanently. (Therefore: "Eternal peace is but a dream.") These conclusions are right in themselves, but their premises are wrong.

[*Peace as understood by Pacifism means a condition of organized living together of nations.*

The disorganization ("anarchy") existing to-day in the relations between nations is gradually being replaced by International Organization.

The fundamental problem of Pacifism, therefore, is not the alleged desire permanently to avoid the conflict of war without changing the present disorganization still existing between nations, nor to establish "Eternal Peace"—which under present conditions would be impossible and which in reality would not mean peace. What Pacifism really wants is to do away

with that condition of disorganization by developing international organization from which, besides other advantages, automatically will result the possibility of settling all disputes between nations without force.

In short, Pacifism aims not to treat the symptoms, but to remove the causes.

II

INTERNATIONAL ORGANIZATION

(a) *Definition*

This does *not* mean *World State* nor *United States*, nor *World Federation of nations*; does *not* mean the dissolution of all nations into one League of Humanity; does *not* mean the abolition of national autonomy nor submission under one centralized power.

But it means a *voluntary co-operation of autonomous nations* for their common interest, a greater efficiency for obtaining their means of subsistence and a better guarantee for their security with the least waste of energy, on account of this mutual co-operation. (A substitution of the ideal of might by the ideals of co-operation and mutual obligations.)

(b) *How is this to be obtained?*

International organization cannot be capriciously constructed; its growth is dependent on those natural laws that determine human progress. Mechanical forces have built and made our society. They lead mankind on to ever higher forms of organization, from the isolated cave-dweller to modern world-empires and unions of nations, and finally beyond this toward world organization.

The process of international organization has been working *for a long time*. The entire lack of organization in the relations between states long ago ceased to exist. And more and more and with increasing acceleration nations have become organized and dependent upon each other. Economics

have expanded into world-economics. World trade has created international credit, world markets and an international interdependence and has brought about an inseparable world-community of interests. The nations have formed countless world-unions, and an efficient and extensive international administration is in operation. The number of international treaties and agreements concerning economic, social, hygienic, political, ethical, legal and scientific activities is constantly increasing. Public world congresses for the management of the common matters of civilization have become permanent institutions. All of these things are both the symptom and the evidence of the constant increase of international organization that will gradually replace the present disorganization.*

This process constitutes the problem of Pacifism.

Pacifism need not itself create international organization. It merely has to recognize it and to call attention to its growth. It merely wants to lay bare this natural trend of development in order that men may direct their actions in accordance with it and thus accelerate the process of organization. (Catalytic reaction.)

(c) *The Effects*

The transformation of international life will result in a change of society. In such degree as organization supersedes disorganization, crude force will cease to play a rôle in international relations. (One sees that not War is to be eliminated, but its *causes*.)

Conflicts between nations will not disappear, any more than they have ceased to exist between individuals. *But their character will be changed.* The less they are caused by disorganization and the more they emanate from organization, the

*For further details see A. H. Fried's "Handbuch der Friedensbewegung," 2nd edition, Vol. I, Chap. 3. "Die Organisation des Weltfriedens." "Das internationale Leben der Gegenwart." (Teubner, Leipzig, English translation publ. by Holt, New York.) "Annuaire de la Vie Internationale" (Misch & Thron, Brussels), which comprises the constitution, history and activities of all existing international unions. (See also Bridgman, World Organization, published by The World Peace Foundation, Boston, Mass.)

less menacing will disputes become and the easier will it be to settle them by the application of reason.

III

SETTLEMENT OF DISPUTES WITHOUT FORCE

This does not mean to replace the settlement by force through settlement by law. It is an error to believe that under present conditions Pacifism wants to settle all conflicts between nations by arbitration (as most of these conflicts are produced by the very lack of organization between nations). *It is not a question of doing away with the consequences without the causes having been changed, and therefore not of creating institutions of law for the settlement of disputes between nations, but rather to change the character of these disputes so as to make possible a settlement through rational means.** This transformation will be effected through the growth of organization between states.

Arbitration is, moreover, only *one* way of settling disputes without force; *not* the only one. The most preferable way will always be settlement by exchanging advantages and by compromising, particularly during the present period of transition from disorganization to organization. The more these conflicts assume legal character, the more will they be governed and decided by principles of law so that the settlement of disputes by institutions of law (arbitration, judicial settlement, committees of investigation) will mean an acceleration in the procedure of settlement.

* It is necessary to realize that the cases of war have a twofold character. Wars may result from a real case of dispute, or simply from a desire for conquest. Disputes always have some legal basis and could be settled by principles of law or mutual compromise. Formerly, also such cases were settled by force, but to-day practically all of them are settled without force. Against the desire for conquest there is no influence of law. It is illegal (anarchic) in its nature. It may be prevented by threat or repulsed by force. But the application of force for the prevention of disorganized force is *not war* in the modern sense. (See Chapters V and VI.)

IV

"DISARMAMENT"

The mutual competition of armaments is one of the gravest consequences of the disorganization between nations, and at the same time its most visible evidence.

The absence of security by mutual guarantee compels every nation to seek to protect itself by its own armaments, and this provokes on the part of the other nations counter-measures against every defensive measure. Thus every defensive measure of one nation reacts upon others and creates a new menace to the nation which has increased its armaments. This leads to the ruinous and never-ending competition of armaments, which exhausts the people of every nation.

These endless armament increases can achieve neither absolute security nor peace as understood by Pacifism. They only make the outbreak of war more difficult, but they can merely serve to prolong that condition that has been characterized as "no war." (See above, Chapter I.)

Pacifism, of course, does not think of accelerating the elimination of the present international disorganization through disarmament, i.e., to attempt to change a cause by removing its consequences. To the Pacifist the competition of armaments is but a symptom of the present disorganization, which with the development of international organization will gradually disappear. For there are in this very complex problem various grades which cannot be adequately characterized by the word "disarmament." We must distinguish between "Unlimited Competition of Armaments," "Limitation of Armaments," "Temporary Stand-still of Armaments," with continually growing intervals, "Reduction of Armaments" and "Total Disarmament." Pacifism holds both extremes, total disarmament as well as unlimited competition of armaments, equally senseless. The solution lies between these extremes. In proportion to the development of international organization will the single intermediary solutions be effected. The problem for the present is, in order to check at least partly the intolerable waste of energy through stipulated regulations, to equalize armaments.

V

"WAR" UNDER THE CONDITION OF INTERNATIONAL ORGANIZATION

Total disarmament is not thought of, not even when international organization will be established. For even then the necessity of applying physical force would not be done away with any more than it is within the nation of to-day. The possibility must be assumed that within international organization nations will still have to resist attacks from less civilized countries which refuse to join or which must of necessity be kept out of it. It is possible, also, that nations will have to defend themselves from lawbreakers within the community of nations. The employment of force will, however, become *extremely rare*, but should it nevertheless prove necessary, *it will not be "war" in the present sense*, if only because it will not be a supreme effort on the part of the whole organism, as war is to-day for the nation. It will only be made by the organs established for this purpose, without strongly affecting the normal life of the nation, just as to-day some police action does not affect the life of civilized nations. The security of organized nations will be absolutely effected through precisely that organization. *But the application of force will be fundamentally different from "war" of to-day. Force will serve law, and not—as in war—substitute for it.* It will but establish law, without violating it, and therefore leave behind no hatred, nor any desire for revenge. Application of force will, therefore, never be a matter of glory, but merely a simple duty, and thus the cult of force, to which history at present is subservient will totally disappear. *It will no longer be disorganized force, but regulated force. And regulated force is law.* The burglar who kills the man in the street exercises anarchic force; the policeman who kills the burglar practices regulated force. The actions are the same in both cases, but they are different in nature.

It is apparent, therefore, that the mirage of "eternal peace" is not found in the program of Pacifism.

VI

WHAT IS "WAR"?

During the period when nations were isolated units, the business of politics was to execute the will of the nation as against the outside. It was carried out peacefully so long as there was no opposition; by force when there was, which was the usual thing under a condition of total disorganization in the relations between states. War was a permanent institution destined to carry out the nations' needs, and was really, as Clausewitz defined it, "the continuation of politics, only by other means." In the present time of increasing and almost accomplished international organization, politics have become the art of securing the various interests of individual nations in such a way as not to interfere with the common interests of all other nations. *War is no longer the "continuation" of politics, but their failure.*

War has, therefore, to-day ceased to be an *institution*; it is a *condition* which may occasionally occur owing to the lack of the establishment of international order, and owing to that particular disorganization that still allows individual nations to obtain real or supposed advantages over other nations. *The condition of war is the outcome of anarchic motives.*

The application of force in itself is not necessarily characterized by war. In the latter we can see working two different kinds of force—attack and defense—which equally create that complexity of conditions which make themselves felt as evil (waste of life and wealth, devastating diseases, interruption of traffic and intercourse, of law, economics, etc.). The one is the application of force emanating from disorganized conditions, and the other that of the regulated force opposed to it for its control. *Only he who applies the first kind of force is responsible for these evils, only he literally "makes" war.* Not he who resists it. The action due to this disorganized condition—not necessarily always the assailant's—is the *primary* cause of war; resistance only a *secondary* form, its complement. (See Chapter V, concerning disorganized and regulated force.)

"Preventive" Pacifism, in its fight against war, is, of course,

ranged against the underlying causes of war, i.e., application of force arising from disorganized conditions; not against the resistance impelled by it, which is but its consequence.

But as a rule it is exactly this secondary form of war that those who oppose Pacifism have in mind, because they think that war may also be necessary or even moral. But what appears necessary or moral in this case is not war itself, but only that secondary action, the resistance against it; this protection against aggression is, therefore, precisely what Pacifism seeks to achieve through the more rational means of prevention.

VII

THE NATION AND INTERNATIONAL ORGANIZATION

The misconceptions as to the nature and aims of Pacifism have caused the reproach of an anti-national attitude, especially the erroneous assumption as if it were a question of limiting the armaments merely of one's own nation, and of the so-called "Peace at any price," i.e., the abandonment of all resistance against aggression, of opposition to armies by principle. Such ideas are against reason. They have nothing to do with the true nature and aims of Pacifism. Besides that, for many people with strong patriotic feeling, the word "international" includes a significance of anti-national." As a matter of fact, the conception "international," in its true meaning, plays absolutely no part in Pacifism. It only appears to do so because we are accustomed to it in our terminology, and because it is used rather on account of its conciseness and adaptability. The Pacifist ideal is not concerned with the relations between nationalities, but between nations, i.e., with the governments and the people (often of mixed nationalities), for which a term like "zwischenstaatlich," i.e., "as between states" or "inter-governmental," would be more expressive. The union between states that is in question should serve, first of all, to secure for each nation advantages which it could not obtain by itself, or only by disproportionate sacrifices. "Inter-

nationalism," in its modern sense, is therefore not an anti-national, but a very national conception; its true meaning is the obtaining the highest welfare and security with the least waste of energy.

The main reason why this is so often misunderstood by the opponents of Pacifism, and, indeed, why they often denounce these patriotic aims as being unpatriotic, is that they still look upon each nation as a separate unit, incoherent, self-contained and utterly independent of other nations; therefore they consider the peace movement as a force working exclusively within their own respective countries.

The peace movement is working in all countries, and, whether it has more or less support in one country or another, it is always based upon the co-operation of all civilized nations. In asking for means of securing world peace, the creation of international order and the abandonment of conquest, it does not expect any one single nation to fulfill these demands while the others remain deaf to them; the solution of the problem can only be achieved by common action. Thus understood, these efforts protect every nation in the most practical and most "patriotic" sense.

VIII

HUMAN NATURE

Not struggle is to be eliminated, but only its crudest form, physical struggle. This is a process that is developing almost automatically; the whole evolution of mankind has more and more narrowed the plane of physical force and replaced it by spiritual struggle. To contest this would mean to contest history. Only between nations physical force is still applied, and even there not without certain restrictions. Psychic force has already gained a prominent place. Even the present competition of armaments may sometimes be called "a war of numbers," and, therefore, psychical struggle. *As a rule, the power concentrated in the armies and navies is not exercised any more, but merely indicated, as with a bank the paper money*

merely indicates its actual capital lying in its safes. Struggle is not eliminated through its refining; this only makes it more complex and more manifold. And the more it becomes complex, the less effective will physical force be, and only struggle is the father of all things; not—as one so readily confuses it—war, which is becoming more and more an impediment to progress.

In nature, "struggle for existence" is never carried on for the extinction of its own species. Among all living beings this tragic destiny may only be observed in mankind.

On the other hand, throughout nature the law of "*mutual assistance*" prevails among the same species. The struggle for existence has a justification only in the struggle of man against nature because only there is it productive, and it is exactly this struggle that drives men to co-operation and to organization. *Thus even the natural "law of struggle" justifies pacifism.*

It is not necessary, as skeptics hold, for men to become "angels" before war can be eliminated from international relations. They only need to be what they are by nature: *egoists*; but egoists who must first learn to realize their true interests.

From this results the invalidity of the objection that war is ineradicable because it is grounded in "human nature." But supposing this objection were justified: *Sexual instinct is also grounded in human nature. Nevertheless society knows how to protect itself when some one oversteps the barriers it has erected against this powerful natural instinct. Nobody would any longer excuse sexual criminals by pleading "natural laws."*

IX

EXTENT AND EFFECT OF THE PACIFIST MOVEMENT

The extent of Pacifism is not limited to the societies formed for propagating it (peace societies and similar organizations).

These are but the *visible signs* of a condition that is due to, and inseparably connected with, the character of modern civilization. Everyone who works in the direction of civilization promotes pacifism. Almost all our modern institutions are means to its realization. The number of those working in the direction of Pacifism is immeasurable. It is by no means identical with the number of the members of peace organizations. There we find united only the conscious and leading Pacifists. But besides that, there are the great masses of unconscious Pacifists who work without willing it, simply through the pressure of things directing them. Then there are those who, though convinced, are too easy-going to take a leading part. The opponents, too, are co-workers, for their pressure exacts reaction.

It would be entirely wrong to believe that the Pacifist organizations had been founded in order to carry the peace idea artificially from outside into our present time. In reality they are born out of the present time and indicate its true tendency. How ridiculous, therefore, to fight the peace organizations! As if one should destroy the thermometer to diminish heat or cold!

Nor do the Pacifist organizations form one distinct unit. There is no such thing as an "International League of peace" extending all over the world, as some people think. The various Pacifist organizations are created by the various political tendencies of our time and have the physiognomy and character of the different elements that compose them.

According to the different principles upon which they are formed or to the different viewpoints which they put into the foreground (as religious, scientific, social, philosophical views) they are striving for various goals by different methods, or they confine themselves to certain partial aims. The only thing they have in common is:

- (1) the *starting point*, which is the opposition against the present system of international relations;
- (2) the *direction of their efforts*, which is to alter that system.

From this it follows that the *whole of Pacifism* can never be held responsible for the viewpoint, activities and methods

of each of the single organizations. Pacifism is only the highest scientific doctrine, which must accord with the actual state of politics.

For the rest, it is not necessary to decide which organization is the best or the most consistent and most effective, each of them being adapted to a different circle and therefore *serving their cause in their own field, and not in that of any other organization*. Just as one's coat must be cut to one's own measure, and one universal measure for humanity would be impossible, so must the nature of the Pacifist organization adapt itself to the various material and spiritual needs of men.

It is not, therefore, so much a question of creating the one organization that applies the one right method and holds to the one right formal aim, but rather to have organizations adapted for all measures of purpose and strength. In accordance to the moral: the final aim is nothing; *the movement is everything*.

One must not believe that any peace organization will some day bring about universal peace by applying a better program or a better method. This will not be achieved by a sudden acceptance of recommended principles of any branch of the general movement; but by a gradual penetration of Pacifism into the national mind whereby its leading men often unconsciously and without being converted will begin to *act* in accordance to Pacifism after others have worked out the ideas of Pacifism. Universal peace will come about through an entire change of ideas and of estimation of advantages. This general change of ideas will be effected not because Pacifism has put forward certain claims, but solely *because of the movement that it has started, the thinking that it has awakened, the discussion for and against its claims that it has created*. Not the uniformity and consistency of the peace programs, nor the number of subscribing members of the single peace societies will effect this change, but the strength, the power and the extent of the whole movement, and through this its growing influence and acceleration.

PEACE "AT ANY PRICE"

In order to express a distinct difference, the representatives of the peace movement, who generally had been called "Peace Advocates," or "Friends of Peace" ("Friedens-freunde"), named themselves "Pacifists." For there is a fundamental difference between being a "Friend of peace" and a "Pacifist." Every normal man will look upon war as evil, and will agree to the desirability of peace and therefore be a "*friend of peace*." Even the most ardent militarist will feel this way. But that does not yet make one a "Pacifist"; first, because to the mere friend of peace it is only a question of having "no war," which differs essentially from the Pacifist conception of peace, as has been shown at the beginning of this discussion. Moreover, the "friend of peace" will desire a condition without war only so long as an actual conflict or some real or supposed interests of his own people do not impel him to think that a settlement by force might be useful. *He will be a "friend of peace" as long as no actual war is in prospect, and as long as his desires seem satisfied.* But he will always reckon with war as a necessary and valuable medium. The Pacifist, to whom peace means not merely a pause in the employment of force between two wars, but the substitution of international disorder by international order and law, does not content himself to being solely a "friend" of this "peace," which means the pause between wars, but seeks to create means and guarantees that make it possible to avoid application of force precisely in case that serious conflict should arise. *The Pacifist does not content himself to love peace in times of peace, but aims to secure international order for the case of conflict.*

This attitude appears, of course, most conspicuously during times of impending conflict when public opinion is stirred to war. Thus the Pacifists have borne with the reproach of their opponents, that they wish "*peace at any price*." This reproach embodies a stigma of lack of patriotism. It would imply that Pacifists want to avoid war even when national honor and national interests are endangered. It creates the impression that Pacifists are guided by senseless fanaticism, just as the

fanatics of law in earlier times formulated the proposition, "Fiat justitia, pereat mundus." Therefore, the Pacifists, in their struggle to avoid war, *would go so far as to cause a greater evil.* This, of course, would be illogical. But in all striving for human betterment, logic is the valve which prevents reason from becoming nonsense, benefit from becoming misery. The elimination of war is aimed at by the Pacifists only to secure advantages for humanity. This regulates the "price" at which peace shall be secured. *The fact that we ask for peace only so long as it means an advantage over war is the valve that automatically prevents the Pacifist aims from falling into the extreme which their opponents attribute to them by accusing them of aiming at "peace at any price."*

This logic has but to be comprehended. The adversaries of Pacifism who cannot or will not understand this by making such reproaches merely seek to obtain a freehand for inciting war, which has already been interfered with seriously through the Pacifist propaganda. They only want to nullify the forces of reason that are working for peace by *discrediting them.* The slogan "peace at any price" has no other meaning than to protect those who are making war from interference, and to safeguard the interests of a few at the expense of the welfare of the community.

XI

THE ATTITUDE OF PACIFISM TOWARD WAR UNDER THE PRESENT CONDITION OF INTERNATIONAL DISORGANIZATION

The peace movement works against war because war is still possible and constantly impending. *This is the justification of its existence. The movement would be superfluous if a condition of peace were assured.*

Curiously this simple truth is misunderstood by the public to an incredible extent. For it is precisely during a time of international disturbance and of impending armed conflict that the peace movement is called untimely. *As though to*

work for peace were justified only when its breaking appeared impossible! The fact that a crisis exists can never make appear unnecessary the efforts to prevent it. Hygienic propaganda is not superfluous because, on account of a lack of proper sanitary precautions, pestilences actually do arise. The demand for impregnation of inflammable material is not useless because fires actually do break out because no such preventive measures have been taken.

The wrong conception as to the position of Pacifism toward actual war may be due to the superstitious belief that war is a natural phenomena beyond human control. This is why Pacifists are usually looked upon as people whose attitude toward this alleged inevitability is to confine themselves to "loving" and "praising" peace, as one prefers a smooth sea to a rough sea or fine weather to cloudburst. In the same way one confines oneself to regarding Pacifists as people who prefer the good and the beautiful to the bad and ugly, but whom one has to pity when events occur which are no more "good" and "beautiful" and which are therefore believed to be very disappointing to them. Such must have been the trend of thought of the high official who, during the Balkan crisis, said to me, "*I would not like to be a Pacifist at present,*" which means, of course, "I only want to be a friend of fine weather when the sun shines, because otherwise in storm and rain I would have to suffer for my predilections." It is hardly necessary to show how distorted this view is, least of all to those who have read the foregoing fundamental arguments.

Then there are those who make Pacifists responsible when war breaks out. They cry out upon us emphatically and accuse us of hypocrisy because we were working against war only in time of so-called peace, when, in their opinion, it is unnecessary to do so. They do not know that one cannot fight actual war, that one must change the causes that provoke it, in order to shun the outbreak of hell. To them we say, "*We are not firemen whom one calls in to put out a fire. We are but the supporters of a medium for fireproofing which by timely application would prevent the conflagration.*"

INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

EDUCATIONAL FACTORS TOWARD PEACE



BY
LEON FRASER

APRIL, 1915

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EDUCATIONAL FACTORS TOWARD PEACE

IN a general way it may be said that the advance toward eliminating the two plagues, armed peace and war, has passed through three phases. First came the ethical appeal: War is wicked; from a Christian society it must be banished. Second came the humanitarian claim: War is progressively growing into a specialized science of killing people by labor saving machinery; as invention continues, devastating implements will be wrought of such gigantic proportions that nations will cease going to war for very fear of mutual destruction. Third has come the scientific, analytical and intellectual phase which is an interrogation mark. Is war inevitable? Where does it come from? Why does it come? What advantage, economic, social, moral, or political, does it confer on conquering or conquered? Is the modern system of international relations, with its accompaniment of war, adapted to contemporary conditions? Is there a science examining the fundamentals of our world society? If so, what is it? If not, why not?

The first two stages in the crusade against armed conflict occupied themselves with war's results. The intellectual, or educational, stage takes the direction of inquiring into war's causes, feeling certain that if these can be found and removed there need be little anxiety about results. In other words the "new

pacifism," as it has been christened, follows the path of preventive medicine; it seeks to stop the scourge at its source. While no way minimizing the value of pointing out the results of armed peace and war in economic waste, in contortion of political vision, in slaughter and in unchristian action, it merely asserts that this is all the more reason why some careful scientific investigation be made of the international organization which entails war's existence, and of the underlying causes which bring it about. In June, 1914, all Europe was saying it wanted peace. In August it got war. Why?

Behind the latest development of the peace movement lies the assumption that the idea of war has been made by man and that it can be unmade by man—like the ideas of trial by ordeal, witchcraft, magic and religious persecution—if only scientific research can demonstrate its futility and superadd the utilitarian appeal to the demands of ethics and humanitarianism. In Mr. Well's phrase, "reading and writing and thinking have brought the idea of war about, and reading and writing and thinking can take it away." The latest development of the peace movement assumes also that the fresh minds of young men are the easiest and best soils to till if the generation of to-morrow is to see the world set free.

So pacifism at present has taken a pronounced educational turn. It is the purpose of the following paragraphs to summarize the educational factors in the United States working toward peace, with particular reference to the organizations which are concentrating attention on the country's youth in school, in college, in university. We must not think that their endeavors are limited to reaching the young, though

that is frequently a major interest, any more than we must believe that their educational propaganda is confined to the scientific, preventive analysis of war's causes which has just been mentioned; for they all are interested and active in disseminating a knowledge of war's baneful results, in stimulating international good will, in spreading a reciprocal knowledge of one another's habits and history between nations, and in creating a spirit of world fraternity based on understanding, righteousness and reason.

AMERICAN SCHOOL PEACE LEAGUE.

The American School Peace League (Secretary, Mrs. Fannie Fern Andrews, 400 Marlborough Street, Boston) was founded in 1908 as the aftermath of a crowded meeting of school children held in Carnegie Hall, New York, while the First American National Peace Congress was sitting the year before. Baron d'Estournelles de Constant addressed the gathering and the idea was conceived of maintaining a permanent peace organization for high and normal schools. From this auspicious but simple beginning the League has grown under the constant care of Mrs. Andrews until branches exist in 47 states of the union. Six conventions have been held in conjunction with the National Educational Association.

To inculcate the peace ideal in the minds of high school girls and boys three media are used—the teacher, the textbook and the youths themselves. The attention of students has been awakened by the creation of "International Relations Clubs" in the schools, by the annual offering of the six Seabury prizes for essays on pacifist subjects, by securing the observance of May 18th, the date of the convening of the First

Hague Conference, as "Peace Day" in the schools of the country. A program and pageant for the occasion has been arranged and is distributed by the United States Bureau of Education which, as well as the National Educational Association, lends its aid and authority to the movement.

But the chief efforts of the League are concentrated on teachers through teacher's conventions, teacher's institutes, summer schools and the educational press. The League is primarily an association of school teachers who wish to dedicate themselves to imparting the civil ideal in instruction as distinguished from the military ideal. Its aims are "to acquaint the teachers of the United States with the movement for better understanding among the nations," "to secure the interest of teachers in all countries in the movement for international cooperation," "to prepare material which will enable teachers to make appropriate application to the specific work of the school."

Under this last head the League is performing important labor toward the replacement of the antique mode of teaching history as only a series of wars, treaties, and fresh wars, by the new history which presents social, cultural and industrial development. The History Committee, including Philander P. Claxton, United States Commissioner of Education, plans to publish five texts on American history adapted to the various grades. "We aim," says the Committee, "to develop the idea that the economic and moral welfare of our country is coincident with the welfare of humanity and that this demands uninterrupted cooperation among the nations and the reign of reason and justice founded upon international good will." *A Course in*

Citizenship, containing lessons for eight grades, with an introduction by William Howard Taft, Honorary President of the American School Peace League, has already been issued.

THE WORLD PEACE FOUNDATION.

Edwin Ginn was one of the first Americans to perceive the preeminent utility to the peace crusade of reaching schools and also colleges. Speaking to the Thirteenth Universal Peace Conference at Boston in 1904 he said: "We need a body of educators whose sole duty should be to go among teachers awakening and developing an intelligent and adequate interest in this great subject. The work of education should begin with school children." When he came to endow the World Peace Foundation (Director, Edwin D. Mead, 40 Mount Vernon Street, Boston) he thought first of calling it an "International School of Peace" and in his proposal he wrote: "Especially must our young men be enlisted—young men in the colleges and elsewhere. The future success of the world depends on the co-operation of vigorous young men."

Almost from the outset the World Peace Foundation has directed a large part of its efforts along educational paths. Professor Charles H. Levermore has occupied himself in securing precise data concerning the extent of the study of internationalism in American colleges and schools and labored toward increasing the allotment of the curricula on this topic. In 1913 he reported that institutions in all states excepting Arizona and Delaware were treating the international problem in some of its phases. The Foundation is considering the publication of a text on international relations.

Since 1911 Dr. George W. Nasmyth has been engaged in organizing and addressing student clubs and study groups in different universities throughout the world. He started the International Polity Club movement in the United States. As President of *Corda Fratres* he increased the number of college Cosmopolitan Clubs and organized the International Student Bureau, which imparts information to young men over all the earth who seek data concerning educational advantages in different countries. Other speakers, including David Starr Jordan and Hamilton Holt, have been recruited by the World Peace Foundation in its continuous student propaganda.

ASSOCIATION OF COSMOPOLITAN CLUBS.

The Association of Cosmopolitan Clubs (Secretary, Louis P. Lochner, 116 South Michigan Avenue, Chicago), allied with *Corda Fratres*, the international student organization, which extends through North and South America and Europe, musters 30 clubs in the American colleges. Starting with twelve foreign and four American students at the University of Wisconsin in 1903, it took as its motto, "Above All Nations is Humanity." At many institutions the clubs have large houses where the members, Chinese, Italian, German, Russian, Brazilian, and what not, live together during the academic years.

These "miniature Hague Conferences," in d'Estournelles de Constant's adroit description, aim "to encourage the scientific study of the facts of international relations, to spread a knowledge of these facts among the students of all nations, to promote mutual understanding and friendship." The Clubs conduct their work in the individual colleges with the aid of

the Faculties and of speakers sent by the World Peace Foundation and the Carnegie Endowment for International Peace. They hold annual conventions in the United States and in the past have sent delegates to the International Students Congresses at The Hague, Rome, and Ithaca, N. Y. *The Cosmopolitan Student*, published monthly during the college year, is the official organ of the Association.

THE INTERCOLLEGIATE PEACE ASSOCIATION.

Though it is commonly stated that President D. C. Gilman at the Lake Mohonk Conference in May, 1905, was the first to suggest immediate endeavors toward enlisting youths in the war on war, the initial practical step occurred at Goschen College, Indiana, when representatives from eight institutions of that state gathered to form the kernel of the Intercollegiate Peace Association (Secretary, Stephen F. Weston, Antioch College, Yellow Springs, Ohio). The result of their deliberations makes June 22, 1905, an inaugural day in the educational peace movement.

Limiting its activity in the beginning to the Middle West, the Intercollegiate Peace Association spread a knowledge of internationalism in the Hoosier district by instituting college oratorical contests. It was stipulated that the speeches deal with some angle of the world problem. By gradual accretion, the Association has grown until in 1914 contests were held in 24 states. To that date 1650 undergraduate orations had been prepared for these contests and audiences aggregating hundreds of thousands had been reached. The Association is continuously working to enlarge the geographical area of its appeal and intends annually to continue its stimulating methods of kindling

youthful attentiveness to the gigantic question of the moment and of all time. With similar purpose and plan the Lake Mohonk Conference offers the Pugsley prizes for the best student essays and the American Peace Society has offered additional prizes for undergraduate orations.

FEDERAL COUNCIL OF THE CHURCHES OF CHRIST IN AMERICA.

The shift of the peace movement to an educational channel is significantly exemplified by the latest action of the Commission on Christian Education of the Federal Council of the Churches of Christ in America (Secretary, the Rev. Henry H. Meyer, 105 East 22d Street, New York). Wishing to add the intellectual stimulus to spiritual enthusiasm it is preparing a course of twelve lectures on "International Peace; a Study in Christian Fraternity" for use in church forums and Sunday schools. The lessons and a bibliography will be widely published during the coming Fall in the various denominational Sunday school publications of the country. A "Reading Book," containing pertinent excerpts from pacifist writings amplifying and enforcing each lesson is in course of preparation. "Preventives of War," "The Character and Causes of War," "The Christian Idea of World-Wide Fraternity," indicate the nature of the lessons.

THE AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION.

"We shall continue our task of *educating public opinion*, counting more than ever on the support of the heads of superior, secondary and primary establishments of education . . ."

These were the words of Baron d'Estournelles de Constant, President *Fondateur* of the *Conciliation Internationale*, Paris, when he penned the program for the American branch eight years ago. He placed them in the forefront of his outline and marked the paragraph One.

The principal method adopted by the American Association for International Conciliation (Secretary, F. P. Keppel, 407 West 117th Street, New York) in the absence of an *International Review*, has been the circulation of monthly pamphlets promoting international understanding and good will. Eighty-seven such publications, besides many special supplements, have been sent to a mailing list which now numbers 100,000.

Although from the first the Association has sought to get at educators and students, it has lately entered upon a campaign of direct action to arouse the young minds of America. It is organizing a chain of "International Polity Clubs" in the nation's colleges, supplying them with bibliographies and printed material for the investigation of international affairs, and sending out a series of speakers to keep the clubs and the subject *sur le tapis*.

In the summer of 1914 the Association sent six advanced students from the universities of Harvard, Missouri, Iowa, Columbia and Cornell to attend a summer school conducted by Norman Angell, author of *The Great Illusion*, at Beaconsfield, Buckinghamshire, England. Forty students representing ten nations were present on the invitation of the Garton Foundation, London. These men were put through a thorough course of training in the war and peace problem with the purpose of fitting them for educative

work on return to their respective countries. Besides reading, lectures, and discussions, they were pitted in debate with military specialists and required to harangue English crowds from the rear of a cart. The Garton Foundation maintained a platform van which appeared each Sunday in Hyde Park and attracted a large throng by the words "WAR AND PEACE" blazoned in monster letters along one side. Then, after the English mode, the heckling and jibing started. It was the speaker against the crowd until a London shower or, as later, the outbreak of the war put a stop to the open air meetings.

Commencing with this nucleus and adding the weighty services of Dr. John Mez, President of *Corda Fratres*, an experienced internationalist, Dr. George W. Nasmyth, loaned by the World Peace Foundation, Mr. L. A. Sheetz and Mr. Spencer Miller, Jr., the Association inaugurated at New Years a campaign to multiply the International Polity Clubs which had already been founded at Harvard, Princeton, Yale, Columbia and Cornell in consequence of the visit to the United States of Norman Angell a year since. At the time of going to press 26 clubs¹ ranging in size

¹ Amherst College.

Wesleyan University.

Yale University.

Newcombe College.

University of Illinois.

University of Nebraska.

Minnesota Agricultural
College.

Vanderbilt University.

University of Wisconsin.

Syracuse University.

Princeton University.

Columbia University.

University of Illinois.

Trinity College.

Williams College.

Tulane University.

University of Georgia.

State University of Iowa.

University of Minnesota.

University of Michigan.

Ohio State University.

University of Kansas.

Cornell University.

Harvard University.

Indiana University.

Louisiana State University.

from 20 to 250 members are in vigorous condition. The work of further organization is to be pressed until the academic year closes.

In general this scheme has been followed: A competent organizer is sent as an advance agent to find which students and which instructors in a certain college are most available to institute serious study in internationalism. To them he turns over the task of choosing a larger group to form a discussion class with an expert who follows. The expert remains in the college town a week, holding daily meetings. His work is facilitated by bibliographies, syllabi and the distribution of important peace literature. After his departure the club continues regular meetings aided by the faculty adviser, interspersed with special lectures from follow-up speakers whom the Association sends forward.

Particular emphasis is laid on the scientific study of war prevention. Norman Angell's thesis that war is futile in modern days is carefully examined. An analysis is made of armed peace, of the "preparedness" philosophy, and of all the militarist assertions about the inevitableness and desirability of international conflict. Throughout the discussion and lecture course the object is to establish the ultimate causes of war and examine the accepted basis of present day international society to determine whether it squares with the fundamental basis which is right for all and best for each.

Picked men from the different International Polity Clubs will be sent by the Association to round out their acquaintance with the war and peace question at the Summer School for International Polity which the World Peace Foundation has announced its in-

tention to conduct at Ithaca, New York, in June, 1915. The World Peace Foundation expects that Norman Angell or J. A. Hobson, author of *Imperialism*, will be able to come from England to aid in increasing in the United States the educational factors toward peace.

APPENDIX

SUGGESTED FORM OF CONSTITUTIONS FOR STUDY ORGANIZATIONS OF INTERNATIONAL POLITY.

I

1. The name of the Society shall be "The ——— International Polity Society" (or "Club" or "Conference").

2. The objects of the Society shall be as follows:

- (a) To enquire into the problems of International Relationships.
- (b) To discuss to what extent recent industrial and financial developments have affected the utility of armed force as a means of securing national advantage.
- (c) To ascertain the extent and effect of misleading terminology in the discussion of International Relations and to discourage its use.
- (d) To consider means whereby the security of nations can be promoted.
- (e) To spread, by writing and speaking, a knowledge of the conclusions to which the above enquiries may lead.
- (f) To interchange ideas with similar Societies established at home and abroad.

3. In attaining its purpose, the Society shall use the following methods:

1. The holding of public meetings and public discussions.
2. The formation of conference groups for the systematic exchange of views on Peace and War.
4. The Officers of the Society shall be a President, Secretary, Treasurer and Executive Committee. The Officers and Committee shall be elected annually at a meeting of the Society.
5. The membership shall be open to all students of and the annual subscription shall be \$.....
6. Meetings shall be heldly during the Academic year.



INTERNATIONAL CONCILIATION

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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES No. VII

THE SERBIAN BLUE BOOK



MAY, 1915

No. 90

American Association for International Conciliation
Sub-station 84 (407 West 117th Street)
New York City

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.
August 18, 1914.

THE SERBIAN BLUE BOOK

Diplomatic Correspondence of the Serbian Government

NEGOTIATIONS PRECEDING THE WAR

**No. 1. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Vienna, June 16/29, 1914.

The newspapers of Vienna assert that the judicial inquiry started against the perpetrators of the crime has established that the crime had been prepared at Belgrade, that a plot on a larger basis had been organized at Belgrade among the youth inspired by the Pan-Serbian idea, and that the newspapers of Belgrade are alarming the public through their descriptions of the seriousness of the situation in Bosnia. This, according to them, exercises a considerable influence, seeing that these papers are introduced secretly into Bosnia in great numbers.

**No. 2. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Vienna, June 17/30, 1914.

The tendency is more and more obvious in Vienna to give to Europe the impression that the crime perpetrated against the Crown Prince of Austria-Hungary is the result of a plot prepared in Serbia. They intend to use this as a political weapon against us. It is necessary therefore to watch with the greatest attention the language of our newspapers concerning the event of Serajevo.

**No. 3. Dr. M. Jovanovitch, Chargé d'Affaires at Berlin, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Berlin, June 17/30, 1914.

The newspapers of Berlin are publishing, upon information from Vienna and Budapest, articles in which the crime of Serajevo is connected with Serbia, thus misleading German public opinion.

**No. 4. Dr. M. Jovanovitch, Chargé d'Affaires at Berlin, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Berlin, June 17/30, 1914.

The hostility of public opinion in Germany towards us is still continuing, being kept up by false news sent from Vienna and Budapest, which

news almost all the German newspapers are zealously spreading, in spite of our denials, through the intermediary of certain newspapers and agencies.

No. 5. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, June 17/30, 1914.

As Count Berchtold has not been able to receive me, I have had, concerning the crime of Serajevo, a conversation with the First Secretary of the Ministry of Foreign Affairs. During our conversation I made the following summing up:

"The Royal Government disapproves most energetically the crime of Serajevo, and will do surely and honestly everything on its side to prove that on its territory it will not tolerate any agitation or enterprise liable to penalty, and capable of injuring our relations, already so delicate, with Austria-Hungary. I think that the Government of Belgrade is ready to bring to trial the accomplices, if it is proved that there are any in Serbia. In spite of all the obstacles which Austro-Hungarian diplomacy has interposed (the creation of an independent Albania, the opposition to a free outlet of the Serbian kingdom on the Adriatic, the demand for the revision of the treaty of Bucharest, the ultimatum of the month of September, etc. . . .), the Serbian Government has persisted in its desire to re-establish on a firm basis our neighborly relations. You know that in this direction something has been attempted and accomplished. Serbia wishes to go on with this effort, being convinced that it can and must be continued. The crime of Serajevo must not and cannot embarrass this task."

Baron Macchio took note and undertook to communicate to Count Berchtold everything I told him. The same day I communicated the main points of my conversation to the Ambassadors of France and Russia.

No. 6. M. Georgevitch, Chargé d'Affaires at Constantinople, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Constantinople, June 17/30, 1914.

I had to-day, concerning the crime of Serajevo, a fairly long conversation with the Ambassador of Austria-Hungary. I expressed the hope that this sad event, whatever might be said of it in certain diplomatic circles, would not injure the relations between Serbia and Austria-Hungary, considerably bettered recently.

He answered that there need be no fear whatever on this subject. He, too, thinks that the relations between Serbia and Austria-Hungary have become much better lately. He added that it was necessary to follow the same path. He told me that his last conversations with Count Berchtold had convinced him that the latter was satisfied with the attitude of the Serbian Government and that, for his part, he sincerely desires friendly relations with Serbia.

No. 7. M. Bochkovitch, Minister at London, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

London, June 18-July 1, 1914.

Almost all the English newspapers, following Austrian sources, announce that the crime of Serajevo is the work of Serbian revolutionaries.

No. 8. M. Pashitch, Prime Minister and Minister of Foreign Affairs to All the Royal Legations

Belgrade, June 18-July 1, 1914.

The Austro-Hungarian press accuses Serbia more and more of the crime of Serajevo. The object is obvious: to ruin the great moral credit which Serbia is enjoying to-day in Europe, and to exploit politically against Serbia the mad enterprise of a young fanatical enthusiast. Nevertheless, the crime of Serajevo has met in Serbia with the most severe reprobation of all social classes; in official and non-official circles every one immediately understood that this event would have the most disadvantageous repercussion upon our good neighborly relations, and upon the life of the Serbs in Austria-Hungary, as has been confirmed by the most recent events. At a time when Serbia is doing everything in order that the relations with the neighboring monarchy may become better and more and more friendly, it would be absurd to think that she could have, directly or indirectly, inspired such acts. On the contrary, it was of vital interest to Serbia herself that this crime be prevented. Unhappily, this was not in her power, the two perpetrators of the assault being Austrian subjects. Serbia has always watched, and since these latest events will watch increasingly the anarchist elements; if they are discovered in Serbia, the nation will take against them the most severe measures. Furthermore, Serbia will do her whole duty, using every means within her power, to calm excited individuals within her borders. Serbia can in no wise permit, however, that the Austro-Hungarian press mislead public opinion in Europe, and that, for a purely political aim, it throw the heavy responsibility of the crime of an Austrian subject upon Serbia and all the Serbian people, to whom such acts can only bring damage, without giving them any profit.

I beg you to act, in this spirit, in all favorable opportunities, to end as soon as possible the anti-Serbian campaign upon the public opinion of Europe.

No. 9. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

Vienna, June 18-July 1, 1914.

Demonstrations took place last night in front of the Legation. I can say that the police were energetic. Order and tranquillity were maintained. If it should come to my knowledge that the national flag had been burnt, I should see those concerned, and inform you of the result.

It is especially the lower Catholic circles, the press, and the military circles, that are preaching hatred against the Serbs and Serbia. I beg you to do what is necessary in order that demonstrations be prevented at home, and that the utterances of the press of Belgrade be restrained as much as possible. The feeling against us here remains the same. It is believed that the attitude to be taken towards Serbia and the Serbs will be decided upon after the obsequies of the Archduke.

No. 10. Dr. Vesnitch, Minister at Paris, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

Paris, June 19-July 2, 1914.

The French Government advises us to observe the greatest composure and calmness both in official circles and in expressions of public opinion.

No. 11. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, June 20-July 3, 1914.

Yesterday, the day of the transfer of the mortal remains of the Archduke Francis Ferdinand and his wife from Serajevo, I ordered the national flag to be hoisted at half-mast on my residence.

This started the protestations of the janitor, the tenants, and of the landlord himself, who wanted the flag to be lowered. Explanations having proved useless, we requested the help of the police, who asked us unofficially to take away the flag to prevent disorder. The flag was kept in its place, and this fact provoked last night violent demonstrations in front of the Legation. The police were energetic and no offense was committed either to the building or to the flag. At about 2 o'clock in the morning the crowd was driven from my residence. The newspapers to-day, above all those with religious and popular tendencies, published articles entitled "The Provoking Conduct of the Serbian Minister," misrepresenting this entire affair.

The flag remained hoisted on the residence of the Legation until the end of the funeral mass for the dead celebrated in the chapel of the court, when it was taken down.

All the inhabitants of the district I am living in went to the police station, to the town hall, and to the office of the Prime Minister, to demand the removal of our flag.

The crowd was addressed by Dr. Funder, director general of the Catholic newspaper "Reichspost," and Hermengild Wagner and Leopold Mandl, who are known as the principal instigators of the campaign directed by the Austrian and German press against Serbia and the Serbs.

**No. 12. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

Vienna, June 20-July 3, 1914.

In the conversation which I have had concerning the crime of Serajevo with the First Secretary of the Ministry of Foreign Affairs, Baron Macchio attacked with heat the press of Belgrade. He mentioned instances in order to prove that it was unbridled and that it was making "die Hetzereien gegen die Monarchie" (campaigns against the Monarchy). I told him that in our country the press was completely free, and that individuals and the Government frequently suffered on account of this, but that we had no means of redress against the press other than the law courts. I added that, in the present case, the Austrian and Hungarian press, which the Dual Monarchy controlled, had begun the trouble: is it not the Austrian and Hungarian press which, for two years, has been wounding the Serbs and Serbia in their most delicate sensibilities? The unhappy war with the Bulgarians had been over exactly one year. I had been witness of the want of respect with which the press of Vienna had treated Serbia and its army during and after the campaign, and since then regarding many other questions. The press of Belgrade has been much more moderate. To-day, also, after this horrible crime, it is from here that are sent to the world telegrams accusing the entire Serbian people and Serbia as if they had been connected with the odious crime of Serajevo. All the newspapers of the monarchy are writing in this sense. Is it possible to remain indifferent to all this? If the perpetrator of the crime is Serbian in race, all the Serbian people and the kingdom of Serbia are not responsible for this, and they ought not to be accused as at present.

Baron Macchio answered:

"Nobody accuses the Kingdom or the Serbian Government, or all the Serbian people. We accuse only those who indulge in Pan-Serbian projects and who work towards their realization. . . ."

"It has appeared to me from the first," I answered, "that people insisted on the race of the perpetrator in order to connect him with Belgrade and to give the impression that the crime had been prepared in Serbia. This struck me immediately, for I knew that up to the present time the Serbs in Bosnia were called 'die Bosniaken' (the Bosnians), and that one used to say 'bosnische Sprache' (the Bosnian language), 'die Orthodoxen aus Bosnien' (the Orthodox of Bosnia); now it is said that the perpetrator of the crime is 'ein Serbe' (a Serbian), but without adding that he was from Bosnia and an Austrian subject. . . ."

"I repeat," began again Baron Macchio, "that we accuse neither the Serbian Government nor the Serbian people, but certain agitators. . . ."

I begged him to use his influence with the press of Vienna, in order that in this difficult moment when the relations between Serbia and Austria-Hungary are subjected to a serious test, the press may not aggravate this crisis with such accusations.

No. 13. Dr. Vesnitch, Minister at Paris, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Paris, June 21-July 4, 1914.

I had Wednesday, concerning the crime of Serajevo, a fairly long conversation with the new Minister of Foreign Affairs, M. Viviani, whom this event has made rather anxious. I took advantage of this occasion to outline the causes that provoked this crime, to wit, in the first place, the intolerable system of government in the annexed provinces, above all the attitude of the official organs and the whole policy of the Bosnian Government towards everything touching the Orthodox religion. He understood the situation; he expressed, however, the desire and the hope that both composure and dignity might be preserved among us, so as not to give any motives for new accusations from Vienna.

Since the first shock, public opinion in France has recovered to such an extent that the prime minister himself has judged fit to soften in the Palais-Bourbon the words of the declaration which, concerning the event, he had made previously to the Senate.

No. 14. Dr. Spalaikovitch, Minister at Petrograd, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

Petrograd, June 21-July 4, 1914.

The Minister of Foreign Affairs has told me that the cruelties committed upon the Serbs in Bosnia would increase the sympathy of Europe for us. He thinks that the world will not believe the accusations sent from Vienna against us. It is necessary that public opinion in Serbia remain calm.

No. 15. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, June 23-July 6, 1914.

The feeling against Serbia continues to increase in military and governmental circles, in consequence of articles in our papers which the Austro-Hungarian Legation at Belgrade zealously exploits.

No. 16. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, June 23-July 6, 1914.

The general tendency of the newspapers of Vienna concerning the crime is the following:

As early as Sunday, June 15, in the afternoon, special editions of the newspapers announced in big types that the two perpetrators of the

crime were Serbians, in such a way as to make the people believe that they meant Serbians from Serbia. In the accounts published since, one notices a constant tendency to establish a connection between this event and Serbia, by insisting particularly upon two circumstances which seemed to prove that the origins of the crime ought to be looked for in Belgrade: (1) the sojourn of the two perpetrators of the crime in Belgrade, and (2) the origin of the bombs. As third and last proof, the newspapers of Vienna have begun to publish the declarations of the perpetrators of the crime to the magistrates. It is characteristic that these "declarations" have been known only to the Hungarian Bureau of Correspondence and the Hungarian newspapers, especially the newspaper "Az Est." These declarations may be summarized thus: (1) that it is proved that the perpetrators of the crime had frequented in Belgrade the comitadji Michel Ciganovitch, and (2) that the organizer and instigator of the crime had been Major Pribitchevitch.

At the same time, a new tendency to put the responsibility at the door of the association "Narodna Odbrana" (the National Defense) began to show itself, so that the last communiqué of the Hungarian Bureau of Correspondence to the newspapers, last Friday, was conceived in these terms:

"Up to the present the inquiry pursued has shown in a way that excludes the least doubt, that this crime was the result of a plot. Aside from the two perpetrators of the crime, a certain number of people, mostly young men, have been arrested; according to what has been proved, they, as well as the perpetrators of the crime had been engaged by the 'Narodna Odbrana' of Belgrade to commit the crime, and it was at Belgrade that they had been given both the bombs and the revolvers."

The same day, late in the night, the same Bureau had addressed to the newspapers the following request:

"We beg the editors to abstain from publishing the news concerning the crime of Serajevo, inserted in our edition of this evening."

At the same time, the Bureau of Correspondence of Vienna published the following communiqué:

"It is said in official circles that the inquiry concerning the crime is being pursued with the greatest secrecy. All details published on this subject must be accepted with reserve."

Nevertheless they did not cease from publishing in Budapest supposed accounts of the inquiry. In the last report published by the newspaper "A Nap" and reproduced by the Viennese newspapers of yesterday, the tendency to put the responsibility of the crime upon the "Narodna Odbrana" is still more accentuated: it is claimed that the accused Cabrino-vitch designated General Jankovitch as the principal instigator.

**No. 17. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

Vienna, June 24-July 7, 1914.

The emotion caused by the crime of Serajevo still continues in official circles. Although the Emperor has addressed to the Austrian and Hungarian Prime Ministers and to the Minister of Finance for both countries, M. Bilinski, a letter counselling composure, it is not possible to state precisely the attitude the Dual Government will take towards us. According to them, one fact is clear: with or without proof that the crime had been suggested in Belgrade, they must settle once and for all the question of the so-called Pan-Serbian agitation within the boundaries of the Hapsburg Monarchy. It is not yet decided how they will proceed and what means they will use to reach their goal. They are deliberating about it, especially in the high Catholic and military spheres. The decision will certainly not be reached until they learn what the judges have discovered at Serajevo. The decision will be made according to what is there discovered.

Concerning this, Austria-Hungary will have to choose between two solutions: either to consider the crime of Serajevo as a national misfortune, but also as a criminal act which must be judged according to the proofs established, asking Serbia to help in this task in order that the culprits may not escape the most severe penalty; or to make the crime of Serajevo a Pan-Serbian plot, Jougo-Slavist or Pan-Slavist, with every manifestation of hatred towards the Slav world, hatred concealed up to the present. There are several signs that the official circles are impelled towards this second solution, and it is for this reason that we must be ready for the defense. In case the first solution were adopted, which would be a sign of great wisdom, we should have to adhere to it completely.

**No. 18. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to All the Royal Legations**

(Telegram.)

Belgrade, June 26-July 9, 1914.

Almost every day, the Hereditary Prince receives from Austria-Hungary letters threatening death. Advise your colleagues and the journalists of this fact in your conversations.

**No. 19. Dr. M. Jovanovitch, Chargé d'Affaires at Berlin, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Berlin, July 1/14, 1914.

The Secretary of State has declared that he does not understand the provocative attitude of the Serbian press and its attacks against Austria-Hungary, which the latter, as a great power, cannot tolerate.

**No. 20. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to All the Royal Legations**

(Telegram.)

Belgrade, July 1/14, 1914.

1. The Imperial and Royal "Correspondenz Bureau" is alarming European opinion for a special aim. It does not represent the attitude of the press of Belgrade in an exact and true manner. It chooses purposely the strongest expressions in the articles of the newspapers that publish answers to abuses, threats and deliberate falsehoods, presenting these expressions to the public in Austria-Hungary;

2. The "Correspondenz Bureau" quotes principally the extracts of newspapers that are the organs neither of parties nor of corporations;

3. Austria-Hungary has forbidden since the Bosnian annexation the importation into its territory of the organs of our political parties, as well as all the other papers published in Serbia; these papers therefore could not excite public opinion in Austria-Hungary and in Europe, if the "Correspondenz Bureau" did not display and disseminate the news which it selects from various papers and did not exaggerate its import. Six days ago, the "Odjek," organ of the independent radical party, was forbidden; now, no Serbian newspaper whatever can pass into Austria-Hungary;

4. The press is quite free in our country; newspapers can be confiscated only for the crime of high treason, or for instigation to revolution. There is no preventive censure.

Seeing this state of affairs, explain to whom it may concern, only as information, that we do not possess any constitutional means, or legal means, to change the mode of expression of our papers. If, however, we compare the expressions of the Serbian newspapers with those of the newspapers of Austria-Hungary, it will be seen clearly that the latter began the polemic and that our papers are only answering. Insist on the fact that public opinion in our country is relatively calm and that on our side nobody wishes to provoke or wound Austria-Hungary. Nobody in Europe would know what our papers are publishing if the "Correspondenz Bureau" of Vienna were not spreading it with the sole object of injuring Serbia.

**No. 21. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to All the Royal Legations**

(Telegram.)

Belgrade, July 1/14, 1914.

The Austro-Hungarian papers have recently spread the rumor that demonstrations against the legation of Austria-Hungary have taken place at Belgrade, that certain correspondents of the Austro-Hungarian newspapers have been murdered, that Austro-Hungarian subjects are maltreated and in a state of panic, that the Serbian students made demonstrations against the Minister of Austria-Hungary at the funeral of the late M. Hartwig, Minister of Russia, etc. . . . All these items are absolutely false and invented. Absolute calm rules in Belgrade; no demonstration has taken place this year; nobody has had the intention of provoking any disorder. Not only do the Minister of Austria-Hungary and

the members of his staff walk freely in the city, but no insult either through acts or through words has been offered to any Austro-Hungarian subject, as the newspapers of Vienna claim, and no Austro-Hungarian subject has seen his house attacked or his windows broken; no Austro-Hungarian subject has had any motive to lodge the slightest complaint. All this false news is spread only with the object of disturbing and irritating public opinion in Austria-Hungary against Serbia.

All the population of Belgrade took part in the obsequies of M. Hartwig, all the diplomatic body was there, and no manifestation against any one at all has been reported. The whole ceremony took place in exemplary order, and foreigners were surprised at it. I beg you to let this information be known to the Government and to the press.

No. 22. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, July 1/14, 1914.

The Press Bureau of the Ministry of Foreign Affairs has once more directed public opinion against us. Except the "Zeit," and the "Arbeiter Zeitung," all the Austro-Hungarian newspapers have received from the Bureau their information and instructions concerning their articles on the crime of Serajevo. You have seen what were these instructions, and the spirit of their articles.

I know from a well-informed source that the German official circles here are the most hostile to us. These circles have exercised a certain influence on the mode of expression of the newspapers of Vienna, particularly on that of the "Neue Freie Presse."

This newspaper is always animated by an anti-Serbian spirit "à outrance." The "Neue Freie Presse," which has a fair number of readers and friends in high financial circles and which, when it is necessary, writes according to the instructions of the Press Bureau of Vienna, summarizes the affair in few words: "We must settle our affairs with Serbia by force of arms; it is obvious that it is not possible to attain a settlement through pacific means. And since we shall have war later, it is better to have done with it immediately."

The stock-exchange is very bad. Such a decline has not taken place for a long time. Some securities have fallen off 45 crowns.

No. 23. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, July 2/15, 1914.

The thing which must interest us most is the action that the Austro-Hungarian Government intends to take concerning the crime of Serajevo. Up to the present time, I have not been able to inform myself on this subject; nor have my colleagues. The motto here is now: "No communication to any one."

A meeting of the Dual Ministers took place last week at Vienna. We have not learned much about the deliberations and the conclusions of this meeting. The communiqué concerning it was short and vague. It seems that they had a long discussion about the consequences of the crime of Serajevo, but that no decision was reached. We are not certain whether the head of the general staff, and the head of the navy, were present at this meeting, as had been said. After this meeting, Count Berchtold went to Ischl to report it to the Emperor, who had gone there after the funeral of Francis Ferdinand, in a perfect state of health and mind. At the Diet of Hungary, Tisza answered the interpellations of the opposition touching the event of Serajevo; you know what he said. His speech was not clear; I think it was purposely ambiguous. Some have seen in it a reassuring tone concerning the development of things and the attitude of the Austro-Hungarian Government, and others have seen in it concealed intentions of—shall I say—an action not yet decided upon. The officials perceived that they ought not to take risks before knowing the results of the inquiry. After that, for a certain time, they talked, they discussed, they wrote, they made plans, then came the death of Hartwig and the alarm of Baron Giesl. Concerning this, new interpellations were addressed to Count Tisza in the Hungarian Diet; you have read his second answer as well. Several persons here think that this speech is much more reassuring than the first and that it is due to the letter of the Emperor. The stock-exchange is better now; the two Ministers of War and the head of the general staff are gone for vacations. I abstain from all interpretation. What is striking in this last speech is that the possibility of war is not excluded, in case the Austro-Hungarian claims concerning the consequences of the crime of Serajevo should not be satisfied.

One thing is already certain: Austria-Hungary will engage in diplomatic parleys with Belgrade as soon as the inquiry has been closed at Serajevo, and the case presented to the courts.

No. 24. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, July 2/15, 1914.

The opinion here is that neither the inquiry nor the investigation concerning the crime committed at Serajevo has furnished sufficient proof to accuse official Serbia; but it is believed that Serbia will be accused of having tolerated on its territory certain revolutionary elements. In diplomatic circles here, they criticize and condemn the behavior of the Austro-Hungarian Government, above all the attitude of the "Correspondenz Bureau," of the Ballplatz, and of the Viennese press since the crime up to the present. A great number of people commend our attitude, judging it correct and worthy of a sincere people. They condemn only the articles of certain of our newspapers, although they recognize, every one of them, that those articles have been provoked by the Viennese press.

Although it seems that the German Foreign Office does not approve of the policy of Vienna against Serbia, the German Embassy at Vienna encourages precisely this policy at the present time.

**No. 25. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

Vienna, July 2/15, 1914.

What steps will be taken? Under what form? What will Austria-Hungary ask from Serbia? I do not think that at the Ballplatz itself they could answer these questions to-day in a clear and precise manner. I think that the matter is being studied now and that Count Forgach has become again the principal factor.

In one of my preceding reports, I mentioned that Austria-Hungary had to choose one of two alternatives: to consider the crime of Serajevo as a private affair, inviting us to lend our aid to discover the culprits and punish them; or to make of the tragedy of Serajevo a cause for action against the Serbians and Serbia, and even against Jougo-Slavia. To judge by what is being prepared and done, it seems to me that Austria-Hungary will choose the second way. She will do this in the conviction that she will obtain the approval of Europe; why not profit by the event to humiliate us and, to a certain point, to justify the case of Friedjung and that of Agram? Moreover she would justify, in the sight of her subjects and of Europe, the severe and reactionary measures which she intends to take in the country to repress Pan-Serbian propaganda, and the Jougo-Slavist idea. Lastly this Government will believe that it is doing something also to increase its prestige, being convinced that such a step will enhance its fame outside and within the Monarchy.

I think that the Austro-Hungarian Government will draw up a note, or rather an accusation against Serbia. In this act of accusation, they will point out all that has been collected against us from April, 1909, up to the present time, and I believe that the act will be fairly long. The Government will send this act to the Cabinets of the European Powers, adding that the facts pointed out give it the right to press diplomatic measures at Belgrade and to demand that in the future Serbia fulfil all the obligations of a good neighbor. At the same time, the Government of Vienna will also send to us a note in which will be stated everything that the Dual Monarchy wishes us, without discussion, to perform.

**No. 26. Dr. M. Jovanovitch, Chargé d'Affaires at Berlin, to M. Pashitch,
Prime Minister and Minister of Foreign Affairs**

(Telegram.)

Berlin, July 3/16, 1914.

The Secretary of State has told me that from the reports of the German Minister at Belgrade he has been convinced of the existence of a Pan-Serbian propaganda, which the Government ought to repress energetically in the interest of its good relations with Austria-Hungary.

No. 27. M. Bochkovitch, Minister at London, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

London, July 4/17, 1914.

The Embassy of Austria is making the greatest efforts to excite the English press against us and to win it to the idea that the Monarchy must give a severe lesson to Serbia. The Embassy sends to the editors cuttings of our papers as proof of the way in which our press is edited. The situation may become graver during the weeks to come. We must not trust the pacific declarations, well calculated, of the Austro-Hungarian circles, for a plan is afoot to bring pressure upon Serbia which might transform itself into an attack by force of arms. It is quite possible that Austria-Hungary will change her attitude and will try to humiliate Serbia, as soon as she has taken some step at Belgrade.

No. 28. M. Michailovitch, Minister at Rome, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

Rome, July 4/17, 1914.

I am informed from good sources that the Marquis of San Giuliano has declared to the ambassador of Austria-Hungary that any step taken by Austria-Hungary against Serbia without showing it the consideration due by one nation to another, would be disapproved by public opinion in Italy, and that the Italian Government thinks that the entire independence of Serbia must be maintained.

No. 29. Dr. Spalaikovitch, Minister at Petrograd, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

(Telegram.)

Petrograd, July 5/18, 1914.

I have had a conversation with the Assistant of the Minister of Foreign Affairs, concerning the provoking attitude of the "Correspondenz Bureau" of Vienna and of the Austro-Hungarian press. M. Sazonoff told me some days ago that he was astonished that the Austro-Hungarian Government did not take any step to put an end to this fruitless agitation in the press of Vienna, which does not excite anybody and which is injurious only to Austria-Hungary.

No. 30. M. Pashitch, Prime Minister and Minister of Foreign Affairs to All the Royal Legations

(Telegram.)

Belgrade, July 6/19, 1914.

Since the crime of Serajevo, the Austro-Hungarian press has begun to throw upon Serbia the responsibility for this horrible crime which,

according to the press, was the result of the Pan-Serbian idea. Accordingly it has affirmed that this idea had been maintained and propagated by different associations, such as the "Narodna Odbrana," the "Kolo Srpskih Sestara" (Society of the Serbian Sisters), etc. . . . , which the Serbian Government had tolerated.

Yet, as soon as news of the crime arrived, the Serbian Court and the Government expressed not only their condolence, but also their heartfelt reprobation and their horror at such a crime. All the festivities which were to take place that day in Belgrade were suspended.

Nevertheless the press of the neighboring Monarchy has never ceased to make Serbia responsible for the event of Serajevo. Furthermore, it began to spread concerning this false and distorted news that provoked the press of Belgrade to answer, to defend itself, and sometimes to attack as well, being indignant to see the Austro-Hungarian press thus misrepresent the facts. Seeing that it was the purpose of the Austro-Hungarian press to draw the press of Belgrade into a delicate and unpleasant discussion, the Serbian Government hastened to advise the press of Belgrade and to recommend that it remain calm and limit itself to the denial and the refutation of false and distorted news. This step of the Serbian Government had no result upon certain newspapers of small importance, principally because the Austro-Hungarian press did not cease to spread new inventions, the tendency of which was to exploit the assault from a political standpoint not only against Serbia, but also against the Serbians of Austria-Hungary. The Serbian Government has not been able to put an end to this polemic between the Serbian and the Austro-Hungarian press; the law and even the articles of the Constitution giving entire freedom to the press in Serbia, and forbidding all preventive measures, even the confiscation of newspapers. This polemic has, however, been made worse by the fact that the newspapers of Vienna and of Budapest have taken extracts from certain of our newspapers which have no influence whatever on our public opinion, have embittered the tone of these extracts and have sent them, distorted in that way, to the foreign press with the obvious aim of rousing public opinion in the other European nations, and of representing Serbia as guilty.

Those who have followed this polemic know that the newspapers of Belgrade have done nothing more than defend themselves, and have limited themselves to warding off attacks and to refuting dangerous falsehoods. The foreign Governments, busy with other affairs, have not had the time to see clearly the object aimed at by the Austro-Hungarian press, which is to arouse public opinion in the Monarchy and in foreign lands. From the very beginning the Serbian Government has declared itself ready to send before the courts any Serbian subject if it be proved that he had any part in the crime of Serajevo. Furthermore, the Government has declared that it had prepared a bill to make more efficacious the measures already taken against any abuse of explosives. This bill had already been submitted to the Council of State, but it could not be presented to the Skupshchina, the latter having been dissolved. Lastly the Serbian Government had declared that it was ready in the future, as in the past, to fulfil all the neighborly duties which its position as a European State demands.

Since the crime was committed the Austro-Hungarian Government has never asked any help whatever of the Serbian Government concern-

ing the matter. It has not asked either an investigation or a trial in the case of any of the accomplices. Once only has it asked for information—concerning the present residence of some students expelled from the primary normal school of Pakrac, who had passed over to Serbia to go on with their studies. All the information which could be collected concerning this has been transmitted to the Austro-Hungarian Government.

Nevertheless the campaign against Serbia continued in the Austro-Hungarian press, and was rousing against Serbia the public opinion of Austria-Hungary and of Europe. They have carried this so far that prominent leaders of political parties in Austria-Hungary have begun to interpellate in the Diet touching the crime and the Prime Minister of Hungary has answered them. From the debates on this subject, it seems that Austria-Hungary intends to take certain steps, but we do not know what will be their import. It is not said whether the measures taken, principally the military measures, will depend upon the answer and the spirit of conciliation of the Serbian Government. From afar off they let us foresee the possibility of a conflict, in case the Serbian Government should not be able to give a categorical and satisfactory answer.

At the time of the sudden death of the Russian Minister Hartwig at Belgrade, at the residence of the Minister of Austria, the polemic in the press was again revived; but this sad event provoked no disorder at the time of the funeral. Nevertheless the Austro-Hungarian Legation, following false news received by it, had been disturbed to such a degree that Austro-Hungarian subjects had begun to hide themselves in the hotels of Semlin and of Belgrade, some even at the Legation. On the King's birthday, which passed in perfect order, the Minister of Austria-Hungary, through the intermediary of Vice-Consul Podgradski, informed me, about five o'clock in the afternoon, that attacks against the Legation of Austria-Hungary and against Austro-Hungarian subjects at Belgrade were being planned for that very night. He begged me to take all measures necessary for the protection of the Austro-Hungarian subjects and of the Legation, adding that he would make Serbia responsible for anything that might happen. I answered that the responsible Government of the Kingdom of Serbia had no information whatever of any plan of this kind, but that in spite of this, I should immediately inform the Secretary of the Interior, asking him at the same time to take all the necessary measures. The next day showed clearly that the Legation of Austria-Hungary had been deceived by false news, no attack having been attempted, nor any plan of attack having been made. Nevertheless the Austro-Hungarian press exploited this affair with the object of proving that public opinion in Serbia is aroused and ready to do anything. The press went even farther and tried to assert "that in fact something would have happened because M. Pashitch himself had said that he had heard something about it." All this shows clearly the intention of exciting public opinion against Serbia on every occasion and concerning every event.

If we take into consideration everything that has been said at the Hungarian Diet touching the tragedy of Serajevo, we have some reason to be anxious and to believe that a step against us is being contemplated which might have unpleasant consequences for the relations between Serbia and Austria-Hungary. This anxiety is so much the more justified in that it seems from all appearances that the inquiry started will not limit itself

merely to the culprits or accomplices of the crime, but will embrace also Serbia and the Pan-Slavist idea.

Both by its attitude and by its acts, the Serbian Government has given undeniable proof that it is working for tranquillity, in the interest of peace and for the maintenance of good relations with all its neighbors. It has given signal proof of its desire to settle and to better its relations with the Austro-Hungarian Monarchy, relations that had become strained in these latter times on account of the Balkan War, and the questions that arose from it. With this aim in view, the Serbian Government has proceeded to the regulation of the eastern railways, of new railroads, and of the transit of Austro-Hungarian products to Constantinople, Sofia, Salonika, and Athens.

The Serbian Government considers that its vital interests make it imperative that peace and tranquillity in the Balkans be maintained as firmly and as long as possible. And it is because it wishes this that the Government now fears that the over-excitement of public opinion in Austria-Hungary may lead to the Austro-Hungarian Government motives for taking a step which would tend to the humiliation of the dignity of the Serbian State, and for presenting claims which could not be accepted.

It is for this reason that I have the honor to ask you—in your dealings with the Government to which you are accredited—to do everything that is necessary to give notice to that Government of our sincere wish to maintain friendly relations with Austria-Hungary and to repress on our territory any attempt that might injure the tranquillity and the safety of the neighboring Monarchy. We shall likewise respond to the demands of Austria-Hungary if it asks that certain accomplices residing in Serbia—if there are any, naturally—be sent before our independent tribunals to be tried.

But we shall never be able to satisfy demands which would be contrary to the dignity of Serbia, and which no State that respects its independence and wishes to keep it could accept.

In the hope that good relations with the Dual Monarchy may be strengthened and maintained, we beg friendly Governments to take note of our declaration and to act in a pacific spirit when the occasion shall present itself or when need shall require it.

No. 31. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Vienna, July 7/20, 1914.

It is very difficult, almost impossible, to learn anything positive here concerning the real intentions of Austria-Hungary. The order for everything that is being done is to keep the most absolute secrecy. To judge by what our newspapers are writing, people are optimistic in Belgrade concerning our relations with Austria-Hungary. Nevertheless, one cannot be optimistic. It is not to be doubted that Austria-Hungary is planning something serious. What we should fear principally, and what is very likely, is that they are preparing for war against Serbia. The general conviction

here is that to do nothing against Serbia this time would be equivalent to actual suicide for Austria-Hungary. Furthermore, the idea that Serbia after two wars is completely exhausted, and that a war undertaken against her would be in fact a simple expedition ended by a prompt occupation, has taken very deep root. It is also believed that such a war would be terminated before Europe had time to interfere.

The military preparations which are being made, principally on the Serbian frontier, show that the intentions of Austria are serious.

No. 32. Baron Giesl von Gieslingen, Minister of Austria-Hungary at Belgrade, to Dr. Patchou, Prime Minister and Minister of Foreign Affairs Par Interim

Belgrade, July 10/23, 1914.

I have the honor to deliver to your Excellency the enclosed note which I have received from my Government and which is addressed to the Government of the Kingdom of Serbia:

(Delivered personally at 6 o'clock in the afternoon.)

The 31st of March, 1909, the Minister of Serbia at Vienna made, by order of his Government, to the Imperial and Royal Government, the following declaration:

"Serbia recognizes that she has not been injured in her rights by the accomplished fact in Bosnia-Herzegovina, and consequently she will conform to such decision as the Powers may reach touching article 25 of the treaty of Berlin. Yielding to the advices of the great Powers, Serbia engages from now on to abandon the attitude of protestation and of opposition which she has observed towards the annexation since last autumn, and furthermore she engages to change the current of her present policy towards Austria-Hungary so as to live henceforth with the latter on a friendly and neighborly footing."

Now, the history of the past few years, and notably the painful events of the 28th of June, have demonstrated the existence in Serbia of a subversive movement whose aim is to detach from the Austro-Hungarian Monarchy certain parts of its territories. This movement, which came to light under the eyes of the Serbian Government, has begun to manifest itself outside of the territory of the kingdom by acts of terrorism, by a series of outrages and crimes.

The Royal Government of Serbia, far from keeping the positive engagements contained in the declaration of the 31st of March, 1909, has done nothing to suppress this movement: it has tolerated the criminal activity of different societies and associations directed against the Monarchy, the immoderate language of the press, the glorification of the perpetrators of crimes, the participation of officers and functionaries in subversive agitation, an unhealthy propaganda in the schools; the Serbian Government has tolerated finally all manifestations that could lead the

Serbian people to the hatred of the Monarchy, and to the contempt of its institutions.

This guilty toleration by the Royal Government of Serbia had not ceased at the time when the events of the 28th of last June demonstrated to the whole world its fateful results.

It appears from the depositions and the confessions of the perpetrators of the outrage of the 28th of June that the crime of Serajevo had been plotted at Belgrade, that the weapons and explosives carried by the murderers had been given to them by Serbian officers and functionaries who were members of the "Narodna Odbrana," and lastly that the passage into Bosnia of the murderers with their weapons had been planned and effectuated by certain officials of the Serbian frontier zone.

The findings of the investigation just mentioned do not allow the Imperial and Royal Government to pursue any longer the attitude of hopeful forbearance which it has observed for many years towards the intrigues that spread from Belgrade into the territories of the Monarchy. These findings, on the contrary, impose upon the Monarchy the duty of putting an end to intrigues which are a perpetual menace to the tranquillity of the Monarchy.

It is to attain this end that the Imperial and Royal Government finds itself obliged to ask the Serbian Government to declare officially that it condemns the propaganda directed against the Austro-Hungarian Monarchy, that is to say the whole of the tendencies which aspire in the last resort to detach from the Monarchy territories which belong to it, and that the Serbian Government engages to suppress, by every means, this criminal and terrorist propaganda.

In order to give a solemn character to this engagement, the Royal Government of Serbia shall order the publication on the front page of their "Official Journal," dated July 13/26, of the following statement:

"The Royal Government of Serbia condemns any propaganda that may be aimed against Austria-Hungary, that is to say the whole of the tendencies which aspire to detach from the Austro-Hungarian Monarchy territories that belong to it, and deplores sincerely the fateful consequences of these criminal acts.

"The Royal Government regrets that Serbian officers and functionaries should have taken part in the said propaganda and should have compromised by this act the good neighborly relations to which the Royal Government had solemnly engaged itself according to its declarations of the 31st of March, 1909.

"The Government, disapproving and repudiating any idea or attempt at interference in the future with the inhabitants of any part of Austria-Hungary, considers that it is its duty to inform expressly the officers, the functionaries, and all the population of the Kingdom that henceforth it will proceed with the utmost rigor against any persons who may be guilty of such acts, which it will use every means to prevent and repress."

This statement shall be made known to the royal army, at the same time, by an *ordre du jour* of his Majesty the King and shall be published in the "Official Bulletin" of the army.

Furthermore the Royal Government of Serbia engages:

1. To forbid every publication that rouses hatred and contempt of the Monarchy, and whose general tendency is directed against the territorial integrity of the Monarchy;

2. To dissolve immediately the Society called "Narodna Odbrana," to confiscate all its means of propaganda and to proceed in the same manner against the other societies and associations in Serbia which are giving themselves up to propaganda against the Austro-Hungarian Monarchy. The Royal Government shall take the necessary measures in order that the dissolved societies may not go on with their activities under another name and under another form;

3. To eliminate without delay from the system of public education in Serbia, both as regards the teaching body and as regards the methods of instruction, everything which serves or could serve to encourage propaganda against Austria-Hungary.

4. To dismiss generally from the army and from the administration all the officers and functionaries guilty of propaganda against the Austro-Hungarian Monarchy, whose names and acts the Imperial and Royal Government reserves the right to communicate to the Royal Government of Serbia;

5. To accept the collaboration in Serbia of members of the Imperial and Royal Government to assist in the suppression of the subversive movement directed against the territorial integrity of the Monarchy;

6. To open a judicial inquiry against the accomplices of the plot of the 28th of June residing on Serbian territory; officials sent by the Imperial and Royal Government shall co-operate in the investigation;

7. To proceed immediately to the imprisonment of Major Voijja Tankositch and of a certain Milan Ciganovitch, employé of the Serbian State, involved by the results of the inquiry of Serajevo;

8. To prevent by all possible means the participation of Serbian authorities in the forbidden traffic in weapons and explosives through the frontier; to dismiss and punish severely the officials of the frontier service at Chabatz and at Loznitza guilty of helping the perpetrators of the crime of Serajevo in facilitating their passage of the frontier;

9. To give explanation to the Imperial and Royal Government concerning the unjustifiable words of high Serbian officials both in Serbia and in foreign countries who, in spite of their official position, did not hesitate, after the crime of the 28th of June, to express themselves, in certain interviews, in an hostile manner touching the Austro-Hungarian Monarchy;

10. To advise the Imperial and Royal Government, without delay, of the execution of the preceding measures.

The Imperial and Royal Government expects the answer of the Royal Government of Serbia by Saturday, the 25th of the present month, at 5 o'clock in the evening at the latest.

The note relating to the results of the investigation opened at Serajevo, concerning the officials mentioned under Nos. 7 and 8, is herewith enclosed.

The criminal investigation opened by the tribunal of Serajevo against Gavril Princip, associates and accomplices accused of murder, committed by them the 28th of June last, has up to the present led to the following facts:

1. The plot having for its object the murder of Archduke Francis-Ferdinand at the time of his sojourn at Serajevo, was made at Belgrade by Gavril Princip, Nedeljko Cabrinovitch, a certain Milan Ciganovitch and Trifko Grabez, with the help of Major Voija Tankositch;

2. The six bombs and the four Browning revolvers by means of which the malefactors perpetrated the crime were delivered at Belgrade to Princip, Cabrinovitch and Grabez by the said Milan Ciganovitch and Major Voija Tankositch;

3. The bombs are hand grenades coming from the armory of the Serbian army at Kragujevats;

4. To insure the success of the assault, Ciganovitch taught Princip, Cabrinovitch and Grabez how to use the grenades and, in a wood near the target field of Topschider, gave lessons in the use of Browning pistols to Princip and to Grabez;

5. To make it possible for Princip, Cabrinovitch and Grabez to pass the Bosnian-Herzegovinian frontier and to introduce secretly their contraband of arms, a secret system of transportation had been devised by Ciganovitch.

According to this device, the introduction of the malefactors and of their arms into Bosnia-Herzegovina was made by the frontier chiefs of Chabatz (Rado Popovitch) and of Loznitza, as well as by the custom official Radivoj Grbitch of Loznitza, with the help of other persons.

**No. 33. Dr. Patchou, Prime Minister and Minister of Foreign Affairs
Par Intérim, to All the Royal Legations**

(Telegram.)

Belgrade, July 10/23, 1914.

Concerning the crime of Serajevo, the Minister of Austria-Hungary delivered to me to-day at six o'clock in the evening a note enclosing the claims of the Austro-Hungarian Government, and asked for an answer from the Serbian Government in two days, that is to say before Saturday at 6 o'clock in the evening. He informed me verbally that he would leave Belgrade with his suite, in case he should not receive a satisfactory answer in the given time.

The Serbian Government has not yet reached any decision, not all ministers being present in Belgrade; but, at present, I can say that these claims are such that no Serbian Government could accept them entirely.

**No. 34. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to Dr. Spalaikovitch, Minister at Petrograd**

(Telegram.)

Belgrade, July 11/24, 1914.

I have informed the Russian Chargé d'Affaires that I shall give an answer to-morrow, Saturday, before 6 o'clock in the evening. I told him

that the Serbian Government would ask the friendly powers to protect the independence of Serbia. In case war should be unavoidable, I added, Serbia will engage in it.

**No. 35. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to M. Bochkovitch, Minister at London**

(Telegram.)

Belgrade, July 11/24, 1914.

I informed the English Chargé d'Affaires to-day that the claims of Austria-Hungary were such that the Government of no independent country could accept them entirely. I expressed to him the hope that the English Government might act upon the Austro-Hungarian Government in order that the latter might lower its claims. I did not conceal from him my anxiety in regard to the events that might ensue.

**No. 36. Dr. Spalaikovitch, Minister at Petrograd, to M. Pashitch, Prime
Minister and Minister of Foreign Affairs**

(Telegram.)

Petrograd, July 11/24, 1914.

As I was leaving the office of M. Sazonoff, to whom I have made known the text of the Austro-Hungarian ultimatum, I met the Ambassador of Germany. He seemed to be in a very good humour. In the conversation which I had with Count Pourtalès concerning the steps taken by Austria-Hungary, I begged him to show me a way out of the situation created by the Austro-Hungarian ultimatum. The Ambassador answered that this would depend entirely upon Serbia, since it was a question which must be settled by Austria and Serbia alone and in which nobody could intervene. I told Count Pourtalès that he was mistaken and that he would soon be convinced that the matter was not merely one between Serbia and Austria but that it was a European question.

**No. 37. His Royal Highness Prince Alexander to His Majesty the
Emperor of Russia**

(Telegram.)

Belgrade, July 11/24, 1914.

The Austro-Hungarian Government delivered to the Serbian Government last night a note concerning the crime of Serajevo. Conscious of its international duties, Serbia, in the very first days that followed the horrible crime, declared that it condemned the crime and that it was ready to open an inquiry on its territory if the complicity of certain of its subjects was proved during the trial opened by the Austro-Hungarian authorities.

Nevertheless the demands contained in the Austro-Hungarian note are uselessly humiliating for Serbia and are out of keeping with its dignity as an independent State. Thus they demand in a peremptory manner a

declaration of the Government in the "Official Journal" and an order of the Sovereign to the army to suppress the hostile spirit against Austria, in which we should reproach ourselves for a criminal weakness in our perfidious intrigues. Moreover, they impose on us the admission of Austro-Hungarian officials in Serbia to participate with ours in the inquiry and to see to the execution of the other conditions indicated in the note. We have been given a time limit of forty-eight hours to accept the whole; otherwise the Legation of Austria-Hungary will leave Belgrade.

We are ready to accept the conditions of Austria-Hungary that are in keeping with the situation of an independent State, and also those the acceptance of which shall be advised by Your Majesty; every person whose participation in the crime shall be proved shall be severely punished by us. Some of these demands could not be carried out without certain changes in our legislation; this will require some time. They have given us too short a time limit. We may be attacked after the expiration of the time limit by the Austro-Hungarian army which is being concentrated on our frontier. It is impossible to defend ourselves and we entreat your Majesty to lend us aid as soon as possible. The esteemed good-will of your Majesty, which has manifested itself so many times to us, inspires our confidence that this time again our appeal will be heard by your generous Slavic heart.

In this difficult period, I am interpreting the feelings of the Serbian nation, which entreats your Majesty to take a kindly interest in the fate of the Kingdom of Serbia.

**No. 38. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to All the Royal Legations**

(Telegram.)

Belgrade, July 12/25, 1914.

I communicated to-day to the representatives of the friendly States the main points of the answer of the Royal Government. I told them that the answer will be altogether conciliatory and that the Serbian Government will accept all the Austro-Hungarian demands in such measure as is possible. The Serbian Government hopes that the Austro-Hungarian Government, unless it should wish for war at any price, cannot do otherwise than accept the complete satisfaction that is given by the Serbian answer.

**No. 39. Answer of the Royal Government of Serbia to the Note of
Austria-Hungary**

Belgrade, July 12/25, 1914.

The Royal Government of Serbia has received the communication of the Imperial and Royal Government of the 10/23 inst. and is convinced that its answer will remove any misunderstanding that threatens to endanger the good neighborly relations between the Austro-Hungarian Monarchy and the Kingdom of Serbia.

The Royal Government is conscious that the protests which appeared, whether in the National Skupshchina or in the declarations and acts of responsible representatives of the State, protests cut short by the declaration made by the Serbian Government on the 18/31st of March, 1909, have not been renewed against the neighboring Monarchy on any occasion and that, since that time, neither on the part of the royal Governments that have succeeded each other, nor on the part of their officials, has any attempt been made with the object of changing the political and judicial *status quo* created in Bosnia-Herzegovina.

The Royal Government notices that on this question the Imperial and Royal Government has made no representation whatever except one touching a school book, concerning which representation the Imperial and Royal Government received an answer entirely satisfactory.

Serbia has, several times, given proof of its pacific and moderate policy during the period of the Balkan crisis, and it is due to Serbia and to the concessions it has made in the exclusive interest of European peace, that this peace has been preserved.

The Royal Government cannot be made responsible for manifestations of a private character, such as articles of newspapers and acts of societies, manifestations that are taking place in almost every country as an ordinary thing and that do not come generally under official control,—so much the less since, at the time when a large group of questions between Serbia and Austria-Hungary were presented for solution, the Royal Government exhibited great courtesy and in so doing succeeded in settling the larger number of these questions to the advantage of the two neighboring countries.

For these reasons the Royal Government has been painfully surprised by statements alleging that subjects of the Serbian Kingdom participated in the preparation of the crime committed at Serajevo. It expected to be invited to collaborate in investigating everything concerning this crime and it was ready, in order to prove by its acts the entire correctness of its attitude, to proceed against every person concerning whom representations were made to it.

Complying with the wish of the Imperial and Royal Government, the Royal Government is ready to deliver to the courts, without any consideration of situation or rank, any Serbian subject concerning whose complicity in the crime of Serajevo proofs are given.

The Royal Government specifically undertakes to order the publication, on the front page of the "Official Journal" dated 13/26th of July, of the following declaration:

"The Royal Government of Serbia condemns any propaganda that may be aimed against Austria-Hungary, that is to say, the whole of the tendencies which aspire to detach from the Austro-Hungarian Monarchy territories that belong to it, and deplors sincerely the fateful consequences of these criminal acts.

"The Royal Government regrets that certain Serbian officers and functionaries should have participated, according to the communication of the Imperial and Royal Government, in the said propaganda, and should have compromised by this act the good neighborly relations to which the Royal Government had

solemnly engaged itself according to its declarations of the 18/31 of March, 1909.

"The Government, disapproving and repudiating any idea or attempt at interference in the future with the inhabitants of any part of Austria-Hungary, considers that it is its duty to inform expressly the officers, the functionaries and all the population of the Kingdom that henceforth it will proceed with the utmost rigor against any persons who may be guilty of such acts, which it will use every means to prevent and repress."

This declaration will be brought to the knowledge of the Royal Army in an *ordre du jour*, in the name of his Majesty the King, by his Royal Highness the Crown Prince Alexander, and will be published in the next "Official Bulletin" of the army.

Furthermore, the Royal Government undertakes:

1. To introduce during the first regular convocation of the Skupshtina an amendment to the law of the press providing the most severe penalties for incitement to hatred or contempt of the Austro-Hungarian Monarchy, and for any publication whose general tendency is directed against the territorial integrity of Austria-Hungary.

The Government pledges itself at the time of the revision of the Constitution, in the near future, to introduce into article 22 of the Constitution an amendment providing for the confiscation of such publications, an act impossible at present under the categorical terms of article 22 of the Constitution.

2. The Government has no proof, and the note of the Imperial and Royal Government does not give it any, that the society "Narodna Odbrana" and similar societies, have ever committed any criminal act of this kind through any of their members. Nevertheless, the Royal Government will accept the demand of the Imperial and Royal Government and will dissolve the society "Narodna Odbrana" and any other society that might act against Austria-Hungary.

3. The Royal Government of Serbia pledges itself to eliminate without delay from the system of public education in Serbia everything which serves or could serve to encourage propaganda against Austria-Hungary, when the Imperial and Royal Government shall submit facts and proofs of this propaganda.

4. The Royal Government agrees, at least, to dismiss from the army those persons whom the judicial inquiry shall prove guilty of acts directed against the territorial integrity of the Austro-Hungarian Monarchy: the Royal Government expects the Imperial and Royal Government later to communicate to it the names and the acts of these officers and functionaries for the purposes of the proceedings that must follow.

5. The Royal Government must admit that it does not understand clearly the meaning or the scope of the demand of the Imperial and Royal Government asking Serbia to pledge itself to accept on its territory the collaboration of officials of the Imperial and Royal Government.

But the Royal Government declares that it will admit any collaboration consonant with the principles of international law, with criminal procedure, and with good and neighborly relations.

6. The Royal Government, naturally, considers it its duty to begin an inquiry against those who are or eventually may be implicated in the plot of the 15/28th of June and who reside within the territory of the Kingdom. As for the participation in this inquiry of agents of the Austro-Hungarian authorities delegated for this purpose by the Imperial and Royal Government, the Serbian Government cannot accept it, for this would be a violation of the Constitution and of the law of criminal procedure. However, in concrete cases, communications concerning the results of the inquiry in question could be given to the Austro-Hungarian agents.

7. The Royal Government proceeded, on the very night of the delivery of the note, to the arrest of Major Voijs Tankositch. As for Milan Ciganovitch, who is a subject of the Austro-Hungarian Monarchy, and who up to the 15/28th of June was employed (on probation) by the directorate of railways, it has not yet been possible to arrest him. The Imperial and Royal Government is asked kindly to let us know, in the usual form, as soon as possible, the presumptive evidence of culpability as well as the eventual proofs of culpability that have been collected up to the present by the inquiry at Serajevo, in order to aid further inquiries.

8. The Serbian Government will reinforce and extend the measures taken to prevent the unlawful traffic in arms and explosives across the border. Naturally, it will immediately open an inquiry and will punish severely the officials on the frontier of the Chabatz-Loznitza line who have failed in their duty and allowed the perpetrators of the crime of Serajevo to pass.

9. The Royal Government will willingly give explanations concerning the expressions which its officials have used, whether in Serbia or abroad, in interviews after the crime, expressions which, according to the affirmation of the Imperial and Royal Government, were hostile to the Monarchy, as soon as the Imperial and Royal Government shall have submitted to us the words in question, and as soon as it shall have shown that these words were in fact pronounced by the said officials, expressions concerning which the Royal Government will itself take pains to collect evidence and proofs.

10. The Royal Government will inform the Imperial and Royal Government of the execution of the measures included in the preceding headings as far as this has not already been done in the preceding note. As soon as each measure shall have been ordered and carried out, in case the Imperial and Royal Government should not be satisfied with the answer, the Royal Government of Serbia, considering that it is not to the common interest that the solution of this question should be hurried, is ready, as always, to accept a pacific understanding, and to submit this question either to the decision of the International Tribunal of The Hague, or to the great powers which took part in the framing of the declaration made by the Serbian Government the 18/31st of March, 1909.

**No. 40. Baron Giesl von Gieslingen, Minister of Austria at Belgrade, to
M. Pashitch, Prime Minister and Minister of Foreign Affairs**

Belgrade, 12/25th July, 1914,
6 o'clock in the evening.

Seeing that the time limit fixed by the note which, following the orders of my Government, I delivered to his Excellency M. Patchou, the day before yesterday, Thursday, at six o'clock in the evening, has expired, and that I have not received a satisfactory answer, I have the honor to inform your Excellency that I am leaving Belgrade this evening with the officials of the Imperial and Royal Legation.

The protection of the Imperial and Royal Legation with everything attached to it, with its annexes and its archives, as well as the protection of the Austrian and Hungarian subjects and interests in Serbia, are being intrusted to the Imperial Legation of Germany.

The Chancellors Ferdinand Jovanovitch and Milan Mekovitch will remain at Belgrade and will be attached to the Imperial Legation of Germany.

Finally, I state that, from the time your Excellency receives this letter, the rupture of diplomatic relations between Serbia and Austria-Hungary will have assumed the character of an accomplished fact.

**No. 41. M. Pashitch, Prime Minister and Minister of Foreign Affairs,
to All the Royal Legations**

Belgrade, July 12/25, 1914.

To-day at 5:45 P. M. I delivered the answer to the Austro-Hungarian note. You will receive to-night the exact text. You will see that we have gone as far as we could go, even to the extreme limit. When he received the note, the Minister of Austria-Hungary declared that he must compare it with the instructions and that he would give me the answer immediately. As soon as I had returned to the Ministry, the Minister of Austria-Hungary informed me by letter that he was not satisfied with our answer, and that he would leave Belgrade this very evening with all the personnel of the Legation. He intrusts to the Minister of Germany the protection of the Legation with all the furnishings and the archives, as well as the protection of the Austro-Hungarian subjects and interests in Serbia. Finally, he states that by the delivery of his letter diplomatic relations between Serbia and Austria-Hungary are completely broken.

The Royal Government has summoned the Skupshtina for the 14/27th of July at Nish, whither are going to-night all the ministries with their officials. In the name of the King, the Hereditary Prince has signed the order of mobilization for the army; to-morrow or the day following, a proclamation will be published in which citizens who are not soldiers are invited to remain quietly at home, and the soldiers to join the colors and to defend Serbia in the measure of their strength, in case she should be attacked.

No. 42. Count Berchtold, Minister of Foreign Affairs of Austria-Hungary, to M. Jov. M. Jovanovitch, Minister of Serbia at Vienna

Vienna, July 12/25, 1914.

Considering that the note, which the Imperial and Royal Envoy Extraordinary and Minister Plenipotentiary delivered to the Royal Government on the 10/23rd of the present month, has had no satisfactory answer, I have been obliged to send the order to Baron Giesl to leave the Serbian capital and to intrust the protection of the subjects of His Imperial and Royal Apostolic Majesty to the Minister of Germany.

With regret to see this termination of the relations I have had the honor to entertain with you, I am unable to do otherwise than put at your disposal the enclosed passports for your return to Serbia and for the return of the personnel of the Royal Legation.

No. 43. His Imperial Majesty the Emperor of Russia to His Royal Highness Prince Alexander

(Telegram.)

Petrograd, July 14/27, 1914.

Your Royal Highness in applying to me in a moment particularly difficult, was not deceived concerning my sentiments in your regard and my sincere sympathy for the Serbian people.

I give my most serious attention to the present situation, and my Government is doing the utmost to remove the present difficulties. I have no doubt that your Highness and the Royal Government are trying to facilitate this task by neglecting nothing that might lead to a solution promising the avoidance of the horrors of a new war, and maintaining at the same time the dignity of Serbia.

As long as there is the least hope of preventing bloodshed, all my efforts must aim at this result. If, in spite of our most sincere desire, we do not succeed, your Highness may rest assured that in no case whatever will Russia remain indifferent to the fate of Serbia.

No. 44. His Royal Highness Prince Alexander to His Imperial Majesty the Emperor of Russia

(Telegram.)

Nish, July 17/30, 1914.

Deeply moved by the telegram that your Majesty was kind enough to send me yesterday, I hasten to thank you most sincerely. I beg your Majesty to be sure that the hearty sympathy felt by your Majesty towards my country is signally precious to us, and fills our minds with the hope that the future of Serbia is assured, it having become the object of the high solicitude of your Majesty.

Those painful moments can only strengthen the bonds of affection which unite Serbia to the Holy Slavic Russia, and sentiments of eternal gratefulness for the aid and the protection of your Majesty will be precious preserved in the hearts of all Serbians.

No. 45. Count Berchtold, Minister of Foreign Affairs of Austria-Hungary, to M. Pashitch, Prime Minister and Minister of Foreign Affairs of Serbia

(Telegram.)

Vienna, July 15/28, 1914.

The Royal Government of Serbia not having given a favorable answer to the note which the Minister of Austria-Hungary delivered to it the 23/10th July, 1914, the Imperial and Royal Government is obliged to take in its own hands the protection of its rights and interests, and to have recourse to arms for this object. Austria-Hungary considers itself, therefore, from now on, in a state of war with Serbia.

No. 46. M. Pashitch, Prime Minister and Minister of Foreign Affairs, to All the Royal Legations

(Telegram.)

Nish, July 15/28, 1914.

The Government of Austria-Hungary declared war to-day, at noon, in an unciphered telegram addressed to the Serbian Government.

No. 47. Dr. Spalaikovitch, Minister at Petrograd, to M. Sazonoff, Russian Minister of Foreign Affairs

Petrograd, July 15/28, 1914.

I have the honor to inform you that I have just received from M. Pashitch, Prime Minister, this urgent telegram sent from Nish to-day at 2:10 P. M.:

The Government of Austria-Hungary declared war to-day, at noon, in an unciphered telegram addressed to the Serbian Government.

In bringing to your knowledge the act that a great power has had the painful courage to commit against a little Slavic country scarcely out of a lengthy series of struggles as heroic as exhausting, I take the liberty, in a moment so grave for my country, to express the hope that this act, which breaks the peace of Europe and revolts its conscience, will be disapproved throughout the civilized world and severely punished by Russia, the protector of Serbia.

I entreat Your Excellency kindly to carry to the throne of His Majesty this prayer of all the Serbian people, while accepting the assurance of my devotion and of my respect.

No. 48. M. Sazonoff, Minister of Foreign Affairs of Russia, to Dr. Spalaikovitch, Minister of Serbia at Petrograd

Petrograd, July 17/30, 1914.

I have had the honor to receive your letter of July 15/28, No. 527, in which you were pleased to communicate the telegram of His Excellency, M. Pashitch, concerning the declaration of war by Austria-Hungary against Serbia. While regretting sincerely this sad event, I hasten to inform you that I shall not fail to submit to His Majesty the Emperor the request of the Serbian people, of whom you are the interpreter.

No. 49. M. Pashitch, Prime Minister and Minister of Foreign Affairs, to Dr. M. Jovanovitch, Chargé d'Affaires at Berlin

(Telegram.)

Nish, July 22-August 4, 1914.

I beg you to inform the Imperial Government that you have received the order to leave Germany with the personnel of the Legation and of the Consulate. I beg you to start without delay.

No. 50. The Minister of Foreign Affairs of Serbia to the German Legation at Nish

Nish, July 24-August 6, 1914.

The Royal Ministry of Foreign Affairs has the honor to inform the Imperial Legation of Germany that, owing to the state of war existing between Serbia and Austria-Hungary, ally of Germany, as well as the state of war existing between Russia and Germany, ally of Austria-Hungary, the Royal Government of Serbia, uniting itself with Russia and its allies, considers as ended the mission in Serbia of His Excellency Baron Griesiner, Envoy Extraordinary and Minister Plenipotentiary of Germany. The Government begs His Excellency to leave, with the staff of the Legation, the territory of Serbia, and gives him herewith the necessary passports.

No. 51. Dr. M. Jovanovitch, Chargé d'Affaires at Berlin, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Berlin, July 24-August 6, 1914.

At the time of my visit to the Assistant Secretary of State, Herr Zimmermann, to notify him of the rupture of diplomatic relations, he declared to me, among other things, that Germany had always entertained friendly sentiments towards Serbia, and regretted that the relations between Serbia and Germany had to be broken, on account of political combinations. He holds Russia, which has unceasingly aroused Serbia, as solely respon-

sible for the events which have happened and which will have heavy consequences for all the nations. If Russia had not at the last moment, when it seemed already possible to prevent armed strife, mobilized all its military force, war would not have happened, for Germany had used all its influence upon Austria-Hungary, in order that the latter might come to an understanding with Russia. Perhaps Austria-Hungary would have been satisfied with the occupation of Belgrade, and then negotiations would have been begun having for object the settlement of Austro-Serbian relations.

No. 52. M. Jov. M. Jovanovitch, Minister at Vienna, to M. Pashitch, Prime Minister and Minister of Foreign Affairs

Nish, August 3/16, 1914.

After June 17/30, the Legation of Serbia was besieged by the police and the gendarmerie, and its staff unceasingly subjected to the supervision of detectives. Our movements and our communications with the outside world were made, as you may imagine, considerably more difficult; the attitude of the mob was rather threatening for the Legation and its staff.

From the beginning of the month of July, even telegraphic communication with you became more difficult and events developed so rapidly that I was unable to communicate to you certain details relating to what preceded our armed conflict with Austria-Hungary. For this reason I am doing so now.

Until the end of the month of June, it seemed that the whole affair of Serajevo was developing normally. But at the beginning of the month of July a change became evident. There were no tangible signs of this change: there were rather certain indications and vague symptoms which betrayed certain concealed intentions. At first, the newspapers of Vienna and Budapest, following the instruction of the Press Bureau of the Ministry of Foreign Affairs, suspended the publication of news of the inquiry concerning the crime of Serajevo. The same press began to represent the whole affair as a question which had to be settled between Serbia and Austria-Hungary eventually by force of arms.

Furthermore, the great newspapers of Vienna were receiving similar communications coming from the German Embassy; exception must be made in the case of the semi-official "Fremdenblatt," which was in general more moderate, and as well those of the "Zeit" and the "Arbeiter Zeitung."

To this new attitude of the press was added a state of insecurity of the stock-exchange, such as was unknown during the period of the late events in the Balkans. In private conversations in high financial circles the "account with Serbia" was denounced as the sole reason for the general financial and economic crisis upon which Austria-Hungary had entered since the annexation of Bosnia-Herzegovina. Then through a secret circular the gradual withdrawal of gold was ordered, and at the same time a gradual rise in exchange. There was no end of explanations for the interruption of the vacations of the Minister of War, Krobatin, and of

the Chief of Staff, Hoetzendorf, and of their return and sojourn at Vienna. The Chief of the General Staff was now in the south, now in the east, now in the north of the Monarchy, where he met the chief of the German General Staff, Count von Moltke, in Bohemia, at Karlsbad, I believe.

All the reservists who had been called for the June manoeuvres in Bosnia-Herzegovina were maintained under the colors. The soldiers of the active list in numbers much larger than usual were receiving short furloughs allowing them to finish the work in the fields or elsewhere, and the reservists in charge of the administration of the army were called in greater and greater numbers. Add to this the interpellations in the Hungarian Diet, and the ambiguous answers of the Prime Minister, Count Tisza, a statesman who hitherto had been very clear in his political declarations.

The attitude of the Ballplatz was most characteristic. The weekly receptions at Count Berchtold's were suspended. All at once conversations with the representatives of foreign States concerning the event of Serajevo ceased, or, when the matter was spoken of, it was always as if by order and to dispel the fear or suspicion that Austria-Hungary might be preparing a serious action against Serbia. It was admitted that certain steps would be taken at Belgrade as soon as the results of the inquiry started at Serajevo concerning the crime should prove sufficiently a connection with Belgrade. But at the same time, it was said that these steps would not be such that one need be seriously disturbed concerning them. The Ambassador of Russia, who, during the absence of Count Berchtold, had spoken several times with Count Forgach, was never able to divine the real intentions of Austria-Hungary. M. Schebeko told me that Count Szapary, Ambassador of Austria-Hungary at Petrograd, who for private reasons was in Austria-Hungary, had told him that the representations which would be made to Belgrade would be of a conciliatory nature. The Count, according to the words of M. Schebeko to M. Sazonoff, gave assurance that the note Austria-Hungary intended to address to Serbia would be such that the Russians would not be dissatisfied with it. M. Dumaine, Ambassador of France, who, following the instructions of his Government, had called the attention of the Government of Vienna to the complications that might arise in case the eventual demands which they intended to address to Serbia should not be moderate, received from Baron Macchio, First Secretary at the Ministry of Foreign Affairs, the answer that the Austro-Hungarian Government appreciated the friendly and conciliatory steps of France, and that the conditions in the note to Serbia would be such that they could be accepted by Serbia without great hesitation. I remarked to the Ambassadors of the powers of the Triple-Entente that such assurances might conceal the true intentions of the Austro-Hungarian Government in order that the powers might be confronted with accomplished facts which Europe might be forced to accept in order to prevent a general war.

Nevertheless, the behaviour of the Ballplatz had a certain success, for all my colleagues whom I happened to meet during those days scarcely believed that Austria-Hungary wished to undertake a serious action such as might provoke European complications. Several members of the diplomatic body were so confident that during those days they were preparing for long holidays or for visits to the watering places.

Nevertheless it was known that a note was being prepared at the Ministry which would contain the grievances and the claims of Austria-Hungary against Serbia. This work was intrusted to Count Forgach, former Minister of Austria-Hungary in Serbia. It was generally believed that, among the foreign representatives, only the Ambassador of Germany, Herr Tschirsky, had been kept informed of this work, and I have some reasons to believe that he even collaborated in the composition of the note. The representatives of the nations which were favorable to us agreed with me in the belief that, written by these two men, the note would contain some very hard conditions for Serbia, but not such as could not be accepted. When the text of the note was published the representatives were quite surprised, not to say dumbfounded.

As much care was taken to keep secret the date at which the note would be presented, as had been taken to keep its contents a mystery. The day of the delivery of the ultimatum to Belgrade, the Ambassador of France had a long conversation relating to this subject with the First Secretary at the Foreign Office, Count Berchtold having again gone to Ischl. Yet, Baron Macchio had not told M. Dumaine that on that day, in the afternoon, the note would be delivered at Belgrade, and that the next day it would be published in the newspapers.

When on July 11/24, in the morning, the Viennese newspapers published the contents of the note which Baron Giesl had delivered to the Serbian Government, our friends and the friends of European peace became anxious. Only then was it understood that great European events might follow, although it was not believed that the Austro-Hungarian Government had the intent to provoke them. This anxiety was strengthened by the passionate articles of all the newspapers of Vienna, with the exception of the "Zeit" and the "Arbeiter Zeitung," and also by demonstrations in the street, which proved clearly that war—naturally war against Serbia—would be the most desirable solution.

After two or three conversations which I had that day, I became aware that an armed conflict between Serbia and the Monarchy was inevitable, even in case Serbia should accept all the Austro-Hungarian conditions from the first to the last. The attitude of the mob toward our Legation was such that I even expected some assault to be made against the staff of the Legation.

The Ambassador of France, as well as the Ambassador of England and the Chargé d'Affaires of Russia, considered that the step of the Austro-Hungarian Government was not a simple note, but rather an ultimatum. They were indignant at the form as well as at the substance and the time limit fixed by the note, and they too judged it unacceptable. In the conversations which I had with them concerning the note, I explained to them that particularly the passages relative to the *ordre du jour* by the King to the army, to the dismissal of functionaries and officers, and above all to the participation of Austro-Hungarian officials in the "repression of the existing movement in Serbia against the integrity of the Monarchy," absolutely could not be accepted, being contrary to our national dignity and independence. Only a victorious war, I said, could impose the acceptance of conditions so humiliating to an independent country. To their question whether it were not better to accept them for the present and prevent a war, I answered that the Austro-Hungarian note, which in

fact was a declaration of war on Serbia, was written in such a way that, even if Serbia should accept it without reservation, Austria-Hungary would find in it at any time sufficient excuses to send troops into Serbia. It was with the conviction that the conflict would remain limited to the two countries that Austria-Hungary had formulated such a note.

M. Dumaine, Sir Maurice de Bunsen, and Prince Kudachef, Russian Chargé d'Affaires, were surprised by this unexpected note, as well as uneasy as to the complications which it threatened to bring. Before the delivery of the Austro-Hungarian note, M. Schebeko, Ambassador of Russia, had at several times said to his colleagues that Russia could not remain indifferent to a step of Austria-Hungary that should tend to humiliate Serbia. This opinion he had clearly expressed to the Ballplatz. Hence the anxiety of the Ambassadors who were considering the possibility of a war between Russia and Austria-Hungary.

The day following the delivery of the note at Belgrade, Prince Kudachef went to talk about it with Count Berchtold. To his declaration that the note, in its present form, was unacceptable and that Russia could not remain indifferent to the humiliation of Serbia, Count Berchtold answered that Austria-Hungary had been obliged to take such a step against Serbia, the existence of Austria-Hungary itself being in question, that Austria-Hungary could not relinquish its claims or change the conditions of the note and that it considered that this quarrel concerned only Serbia and Austria-Hungary, that is to say, that no other power had reasons for intervening in it.

This answer of Count Berchtold did not leave any doubt as to the intentions of Austria-Hungary to inflict a punishment by force of arms upon Serbia, without being authorized to it by the judgment of Europe. From the conversations which I had then with the Ambassadors of the powers of the Triple-Entente—who during those painful days were, in every respect, amiable and kind to me and to the staff of the Legation—it appeared clearly that, from the time it had decided to address this note, which without doubt meant war, Austria-Hungary had received assurances and had even acquired the conviction that the Serbo-Austro-Hungarian conflict would be localized. Likewise it was clear that Austria-Hungary had been strengthened in this conviction principally and perhaps solely by Herr Tschirsky, Ambassador of Germany at Vienna; Herr Tschirsky was the only one to think and to say openly that Russia would remain quiet while Austria-Hungary was inflicting the punishment (Strafexpedition) on Serbia. He declared that the Russian Minister of Foreign Affairs would keep the Pan-Slavists in control, as in the preceding year, and that at this time it was not in Russia's interest to raise so many dangerous questions, in Europe and in Asia, which were more threatening to her. According to him, it was necessary that a lesson be given to Serbia. Russia had no right to interfere. As for Germany, he declared that she knew exactly what she was doing in supporting the step taken by Austria-Hungary.

This language of Herr Tschirsky has led many persons to think that it is Germany that wished to provoke the European war, for, long before, it was said and even written at Vienna that it was necessary to make war against Russia before the latter should be ready from the military standpoint, that is to say, before the spring of 1917: "The more the matter

is delayed, the less will be the chances of the Triple-Alliance." Nevertheless, from Berlin, from diplomatic sources, the most authentic news reached me to the effect that the Wilhelmstrasse did not approve of the action of Austria-Hungary in this question and that Herr Tschirsky had gone beyond his instructions.

Upon his return from Petrograd, M. Schebeko, Ambassador of Russia, multiplied his efforts at the Ballplatz, in the aim of obtaining a prolongation of the short time limit given to the Serbian Government for its answer to the Austro-Hungarian note, and of finding a means to arrive at an exchange of ideas on the whole quarrel between Vienna and Petrograd; but these efforts remained without success up to July 13/26, the day of our meeting. From the conversation which I then had with him, I understood that at Petrograd the Austro-Hungarian note was considered, in substance and in form, as a provocation addressed to Russia, not to Serbia, and that Russia would not allow the humiliation of Serbia, even though the former should run the risk of a war.

The day of my departure from Vienna, Mr. Schebeko told me that in spite of great difficulties, there were some chances that they might find at Petrograd, between the Russian Government and Count Szapary, a solution of some kind which would prevent the beginning of the conflict. On the other hand, as soon as they learned in Vienna that the Austro-Serbian conflict might provoke a war between Russia and Austria-Hungary, they began to be uneasy.

APPENDIX

Declarations of Sig. Giolitti to the Italian Parliament¹

December 5, 1914.

"... As I consider it necessary that the good faith of Italy in the observance of international agreements be placed above all debate, I feel obliged to recall a precedent which proves that the interpretation given by our Government to our treaties, at the beginning of the conflict, was correct and that it has been admitted as sound by our allies themselves.

"During the War of the Balkans, on August 9, 1913, precisely, being absent from Rome, I received from my colleague, the Marquis of San Giuliano, the following telegram:

"'Austria has communicated to us, as also to Germany, its intention to act against Serbia, and defines this action as a defensive one, hoping to apply to the Triple-Alliance the *casus fœderis* which I believe to be inapplicable. I am trying to devise with Germany some efforts for the purpose of preventing this action of Austria; but it might be necessary to state clearly that we do not consider this eventual action as defensive and that, consequently, we do not believe that the *casus fœderis* exists. I beg you to telegraph to me at Rome whether you approve.'

"I answered thus:

"'If Austria acts against Serbia, it is obvious that the *casus fœderis* does not exist. It is an action undertaken by Austria on its own account; for there is no question of defense, since nobody dreams of attacking her. It is necessary that this be declared to Austria in the most positive form, and it is to be hoped that the action of Germany will dissuade Austria from this perilous adventure.'

"This was done, and the interpretation given by us had the approval of our allies, with whom our friendly intercourse was not in the least disturbed. The declaration of neutrality made at the beginning of the present conflict is therefore in conformity with the spirit and with the letter of the treaties. I wanted to recall this fact because I think it well that all Europe should know that Italy has acted in complete good faith."

¹It seems that a similar step was taken by Austria toward Rumania in May, 1913. M. Take Ionesco has formally declared that there remains some trace of it in a telegram addressed by Count Berchtold to the Prince of Fürstenberg and communicated by him to the head of the Rumanian Government. The official denials to which this revelation has given rise on the part of Austria do not allow us to give it a place in this publication under the form of an official document.

The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress or interruption of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such diversions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

INTERNATIONALISM

A LIST OF CURRENT PERIODICALS
SELECTED AND ANNOTATED



BY
FREDERICK C. HICKS
Law Librarian, Columbia University

MAY, 1915

American Association for International Conciliation
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The Association

PREFATORY NOTE

The following list of current periodicals is merely a selection from the growing literature of internationalism which is issued serially. It is not a bibliography. The three groups represent three distinct phases of activity among those who are interested in the interplay of peoples and nations. The first group includes periodicals which record the activities of men and organizations already committed to the cause of peace. They attack the problem directly, attempting to win converts by presenting the moral, religious and economic arguments against war. The second group is less direct in method, and is usually committed to no program. It represents those who believe that international understanding and racial adjustment are possible only as the result of education and the interchange of information. The third group represents those who think of internationalism chiefly in its legal aspects, and who seek to record and interpret the existing rules of intercourse between nations.

Since the preparation of the list was begun, publication of some of the periodicals mentioned has become irregular, and in some cases it has been indefinitely suspended. For instance, the two publications of the Associated Councils of Churches in the British and German Empires, "The Peacemaker," and "Die Eiche," are no longer published, but the titles have been retained as representative of endeavors which were continued even to the outbreak of the European war.

The annotations, as far as possible, consist of quotations from the periodicals themselves, or from the statutes of the organizations by which they are issued. Usually the annota-

tions are given in the language in which the periodical is printed.

The list is intended chiefly for the use of librarians and teachers, but it should be of use to others who prefer to select their own reading. Several of the publications may be had without cost.

For the benefit of those libraries whose funds are limited, asterisks have been placed before titles which might be selected to form the nucleus of a larger collection.

Among general periodicals which are especially sympathetic to the cause of internationalism may be noted the following: The Atlantic Monthly, Christian Work, The Independent, Saturday Evening Post, Unity, The Economist (London).

A useful index to articles appearing in general periodicals is the Readers' Guide to Periodical Literature, which is to be found in most libraries. A quarterly index to the periodical literature of international law appears in the American Journal of International Law.

A selected list of books on internationalism up to March, 1913, may be found in publication number 64 of the American Association for International Conciliation. F. C. H.

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INTERNATIONALISM

A List of Current Periodicals

PACIFIST PERIODICALS

***ADVOCATE OF PEACE.** Washington, The American Peace Society.

Monthly, except September. \$1.00

"A journal of the International Peace Movement."

***AMERICAN SOCIETY FOR JUDICIAL SETTLEMENT OF INTERNATIONAL DISPUTES.** Publications. Baltimore, The Preston.

Quarterly. Free

This society limits itself "to a discussion of the judicial determination, as distinguished from the arbitral adjustment, of international controversies. It seeks to strengthen sentiment where existing, and to create sentiment where it does not exist, in favor of judicial settlement. It stands for a permanent court, as distinguished from a temporary tribunal; a court composed of judges by profession, not a tribunal composed of judges by mere appointment. It stands for judicial decision according to principles of law, not for compromise according to the standards of diplomacy."—*Proceedings*, 1910.

THE ARBITRATOR. London, 183, St. Stephens' House, Victoria Embankment.

Monthly. 2s. 6d.

Organ of the International Arbitration League, founded by William Randal Cremer in 1870.

CONCORD: THE JOURNAL OF THE INTERNATIONAL ARBITRATION AND PEACE ASSOCIATION. London, W. C., 45 Outer Temple, Strand.

Monthly. 2s.

The objects of the International Arbitration and Peace Association are:

"1. To create, educate and organize public opinion throughout the civilized world in favor of the substitution of arbitration for war.

"2. To promote a better understanding and more friendly feeling between the citizens of different nations.

"3. To correct erroneous statements in the public press or in parliament on international questions."—*Concord*.

CONCORDIA. The annual journal of the Aberdeen University Peace Society. Aberdeen, Scotland.

Annual

5d.

Concordia gives "scope for the expression of every kind of opinion favorable to the furtherance of international friendliness, but it will stand primarily for the views associated with Mr. Norman Angell, author of *The Great Illusion*."

DIE EICHE. Vierteljahrsschrift zur Pflege freundschaftlicher Beziehungen zwischen Gross-Britannien und Deutschland, herausgegeben von Friedr. Siegmund-Schultze. Berlin, Verlagsbuchhandlung Fr. Zillesen.

Quarterly.

3m.

Organ of the Kirchlichen Komitees zur Pflege freundschaftlicher Beziehungen zwischen Grossbritannien und Deutschland.

The purposes of this organization are:

"1. In dem Streit der Völker durch Weckung des christlichen Gewissens zum Frieden zu wirken;

"2. Missverständnisse und Missdeutungen, die sich bei Engländern und Deutschen zumal in kirchlichen Kreisen, finden, aufzuklären und zu bekämpfen;

"3. Die in beiden Ländern erzielten Ergebnisse der Friedensarbeit bekannt zu machen und die volkswirtschaftlichen Grundlagen einer britisch-deutschen Freundschaft herauszuarbeiten;

"4. Durch Berichte und Aufsätze über kirchliche, theologische und soziale Fragen das Verständnis für die Eigenart des religiösen Lebens in England zu fördern und das christliche Gemeingefühl beider Völker zu stärken;

"5. Durch Anregung und Vermittlung eines persönlichen Verkehrs und Austausches zwischen Deutschen und Engländern die Beziehungen der beiden Völker zu vertiefen;

"6. Durch Berichte über das christlich-religiöse Leben anderer, insbesondere angelsächsischer Länder ein offneres Verständnis für deren Frömmigkeit und für die Notwendigkeit des Zusammenschlusses der Christenheit in unserer Zeit anzubahnen."—*Die Eiche*.

***DIE FRIEDENSWARTE FÜR ZWISCHENSTAATLICHE ORGANISATION.** Herausgeber: Alfred H. Fried, Berlin-Wien-Leipzig.

Monthly.

6.60 m.

Address: Wien XVIII/3, Bastiengasse 54.

"The most important journal of its kind published in the German language."—*Yearbook, Carnegie Endowment for International Peace, 1912*.

Beginning with March, 1915, there is issued from the Art. Institut Orell Füssli, Zürich, a monthly supplement entitled, "Blätter für zwischenstaatliche Organisation."

THE HERALD OF PEACE AND INTERNATIONAL ARBITRATION. The organ of the Peace Society. London, E. C., 47 New Broad Street.

Monthly.

1s. 6d.

The object of the Peace Society is "to print and circulate tracts, and to diffuse information tending to show that war is inconsistent with the spirit of Christianity and the true interests of manhood; and to point out the means best calculated to maintain permanent and universal peace upon the basis of Christian principles."—*Annual report*.

THE JAPAN PEACE MOVEMENT. The monthly organ of the Japan Peace Society and the American Peace Society of Japan. Tokyo, Japan, 6 Yamashiro Cho, Kyobashiku.

Monthly.

\$37

Partly in English, partly in Japanese.

MARYLAND PEACE SOCIETY. Publications. Baltimore, 1925 Park Avenue.

Quarterly.

Free

LE MESSENGER DE LA PAIX. St. Petersburg, Manegnij per, 16.
Monthly. \$.50

Organ of the St. Petersburg Peace Society. Printed in Russian.

NATIONAL PEACE COUNCIL. Monthly Circular. London, 167
St. Stephen's House, Westminster Bridge.

*LA PAIX PAR LE DROIT. Revue de la Paix, paraissant deux
fois par mois. Nîmes, 10, Rue Monjardin.
Fortnightly. 3.75 fr.

"La Paix par le Droit, Revue de la Paix, publie des articles de fonds, des études juridiques, une chronique, des correspondances étrangères, un exposé des principaux faits intéressant la guerre et la paix, une revue des livres et des revues pacifistes de France et de l'étranger, etc.

"La Paix par le Droit . . . n'est pas un journal de propagande doctrinale; c'est une revue d'études indépendantes et de libre discussion."

The aim of the Association de la Paix par le Droit is expressed in the following extracts from its statutes:

"Art. 3.—Le but de l'Association est d'étudier et de vulgariser les solutions juridiques des conflits internationaux et particulièrement de gagner à cette propagande l'activité des jeunes gens.

"Art. 4.—Les moyens employés par l'Association en vue de ce résultat consistent à: 1, Organiser des Conférences publiques ou privées; 2, Créer des groupes locaux et des sections régionales de propagande et de discussion; 3, Entretenir une bibliothèque circulante; 4, Publier des ouvrages destinés à la propagande et notamment l'Almanach de la Paix; 5, Editer la revue La Paix par le Droit avec ou sans la collaboration d'autres sociétés; 6, Provoquer la composition de travaux en connexion avec son programme.

"Art. 5.—L'action de l'Association restera indépendante de tout parti politique et de toute confession religieuse."

THE PEACEMAKER AND COURT OF ARBITRATION. Official organ of the Universal Peace Union. Philadelphia, 1305 Arch Street.
Monthly. \$1.00

The Universal Peace Union, founded in 1866, has for its objects "to remove the causes and abolish the customs of war.

To discountenance all resorts to deadly force between individuals, states or nations, never acquiescing in present wrongs. By taking away the sword, give potency to the tongue and pen, and encourage moral efforts for the immediate and unconditional abolition of war, regarding any compromise therewith as delaying the establishment of radical peace."—*Constitution*.

THE PEACEMAKER. The official organ of the Associated Councils of Churches in the British and German empires for fostering friendly relations between the two peoples. London, S. W., Office of the British Council, 41 Parliament Street.

Quarterly.

Free

THE PEACE MOVEMENT. The organ of the International Peace Bureau in Berne. Published in Berne on the 15th of every month in English, French and German. Editorial offices, Berne. Printed by Büchler & Co., Berne.

Monthly.

10 fr.

Formerly *Correspondance Bimensuelle*.

The aim of the International Peace Bureau is "(1) To supply information on questions relating to the propaganda and defence of the ideas common to the institutions, associations, and persons working for peace, and to facilitate relations between the same.

"(2) To arrange for the consideration and preparation of questions which may be placed before the Congresses, Conferences, and other gatherings which are willing to make use of the Bureau, and to help the local committee of each such gathering in matters of organization.

"(3) To carry out the decisions of these gatherings.

"(4) To classify and preserve the archives of these gatherings, also all papers confided to its care, and all that has bearing upon the movement for Peace and Arbitration.

"(5) To form a library of all publications relating to peace, including newspapers, official publications, etc., bearing on peace.

"(6) To collect together as far as possible all decisions given in cases of arbitration between nations, and to summarize in such form as to constitute a kind of practical jurisprudence of this question.

"(7) To maintain an up-to-date bibliography of Peace publications."—*Peace Year Book, 1914*.

LA VITA INTERNAZIONALE. Milan, Portici Settentrionali 21.
Bi-monthly. 12.50 l.

Organ of Società Internazionale par la Pace.

VÖLKER-FRIEDE. Zeitschrift der Deutschen Friedensgesellschaft, herausgegeben von O. Umfrid—Stuttgart. Esslingen a. N., Verlag von Wilh. Langguth.
Monthly. 1.20m.

VREDE DOOR RECHT. Orgaan von den Algemeenen nederlandschen bond. 'sGravenhage, 6 Prinsessegracht.
Monthly. 1fl.

*WAR AND PEACE; A NORMAN ANGELL MONTHLY. London, S. W., Whitehall House, 29-30 Charing Cross.
Monthly. 4s.

A "War and peace literary supplement" is issued.

"War and Peace is published to promote the aims of the Garton Foundation and allied societies. It is strictly non-party, its object being to spread saner views with regard to international relations.."

"The Garton Foundation was formed for promoting the impartial study of the facts of international relationship. Its object is to aid in the creation of a body of opinion that shall be more informed as to the fundamental facts which bear on international questions, irrespective of the solution to which the facts may point. It seeks—(1) To stimulate public interest in the subjects by means of lectures and debates.

"(2) To encourage the more systematic study of the subject in universities, colleges, schools, polytechnics, and other institutions, and with this end to endow bursaries and scholarships, to found prizes, and to help in the formation of libraries.

"(3) To make the Foundation a center for co-ordinating all similar efforts by other organizations in Great Britain, and to co-operate with similar foreign organizations."—*Peace Year Book, 1914.*

INTERNATIONAL UNDERSTANDING

AMERICAN ASIATIC ASSOCIATION. JOURNAL. New York, 78
Beekman Street.

Monthly. \$1.00

"The purposes of the society are to foster and safeguard the trade and commercial interests of the citizens of the United States and others associated therewith in the Empires of China, Japan, and Korea, the Philippines, and elsewhere in Asia and Oceanica."

THE AMERICAN RED CROSS MAGAZINE, issued from the National Headquarters, Washington, D. C.

Quarterly. \$.50

The American Red Cross Society is the official volunteer aid society of the United States, chartered by the Congress of the United States "to furnish volunteer aid to the sick and wounded of armies in time of war and to carry on a system of national and international relief in time of peace and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods and other great national calamities."—*American Red Cross Magazine*.

THE AMERICAN-SCANDINAVIAN REVIEW. New York, 507
Fifth Ave., The American Scandinavian Foundation.

Bi-monthly. \$1.25

The American-Scandinavian Society is "an international organization to promote intellectual relations between Americans and the peoples of Denmark, Norway, and Sweden."

BULLETIN DE LA SOCIÉTÉ AUTOUR DU MONDE. (Foundation
A. Kahn.) Boulogne-sur-Seine, 9, Quai du Quatre
Septembre.

Quarterly.

The founder, Mr. Albert Kahn, of Paris, has established "trust funds in France, Germany, Japan, England, and the United States for the purpose of defraying the traveling expenses of teachers and supplying them with what he has

termed 'bourses de voyage,' so as to enable them to travel, observe and study in foreign countries." He "is impressed with the conviction that the cause of civilization may be greatly encouraged and promoted by travel on the part of teachers, scholars and investigators, and that, by the study and comparison of national manners and customs, and of the political, social, religious and economic institutions of foreign countries, they will become better qualified to teach and to take part in the instruction and education of the people of their own nation."

The office of the secretary of the American branch is at Columbia University.

***BULLETIN OF THE PAN AMERICAN UNION.** Washington, D. C., 17th & B Streets, N. W.

Monthly.

\$2.00

Published in English, Spanish, Portuguese and French editions.

"The Pan American Union is a voluntary organization of the twenty-one American Republics, including the United States, maintained by their annual contributions, . . . and devoted to the development and conservation of peace, friendship, and commerce between them all."—JOHN BARRETT.

***CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.** Division of Intercourse and Education. Publications. Washington, D. C., 2 Jackson Place. Free.

1. Some Roads Towards Peace. By Dr. Charles W. Eliot.
2. German International Progress in 1913. By Professor Dr. Wilhelm Paszkowski.
3. Educational Exchange with Japan. By Dr. Hamilton W. Mabie.
4. Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars.
5. Intellectual and Cultural Relations Between the United States and the Other Republics of America. By Dr. Harry Erwin Bard.
6. Growth of Internationalism in Japan. By T. Miyauka.

The work of the three divisions of the Carnegie Endowment for International Peace, 1, Intercourse and Education; 2, Economics and History; 3, International Law, is described in its Yearbook, beginning with 1911.

CONCILIATION INTERNATIONALE. Paris, 78 Bis, Avenue Henri Martin.

Monthly.

Free

L'Association, dite *Conciliation Internationale*, a pour objet de développer la prospérité nationale à la faveur des bonnes relations internationales, et d'organiser ces bonnes relations sur une base permanente et durable.

Les principaux moyens d'action par lesquels elle se propose de réaliser son œuvre sont les suivants: Education de l'opinion. Développement de l'arbitrage. Rectification des informations tendancieuses. Revue Internationale. Publications, conférences, congrès, auditions, expositions. Diffusion des langues étrangères, Echange de visites internationales entre Parlements, commerçants, étudiants, associations scientifiques, artistiques, ouvrières, professionnelles. Missions et expéditions scientifiques. Fondation de prix et de bourses de voyage. Echange international d'enfants, d'élèves, de professeurs, d'ouvriers. Création, en dehors de tout esprit de parti, d'une *Maison des Etrangers*, centre de relations entre les personnalités, d'élite du monde entier.—*Statutes*. See also *International Conciliation*.

THE COSMOPOLITAN STUDENT. Official organ of "Corda Fratres," Association of Cosmopolitan Clubs. Ann Arbor, Mich., Press Building, 611 E. Liberty Street.

Monthly during academic year.

\$1.00

"The objects of the Association shall be . . . to cultivate the arts of peace, to establish strong international friendships and to carry out the motto of the Association, 'Above all Nations is Humanity.'"—*Statutes*.

FRANCE-AMÉRIQUE. Revue Mensuelle du Comité Franco-Amérique. Paris, 21, Rue Cassette.

Monthly.

25 fr.

*INTERNATIONAL CONCILIATION. Published monthly by the American Association for International Conciliation, 407 West 117th Street, New York City.

Monthly.

Free

Published in order "to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship

between nations." A Pan-American Division of the American Association, which publishes a series of pamphlets, has been organized for the special purpose of facilitating the development of closer intellectual and cultural relations between the peoples of the republics of America. See also *Conciliation Internationale* and *Verband für Internationale Verständigung*.

THE JOURNAL OF RACE DEVELOPMENT. Worcester, Mass., Clark University, Louis N. Wilson.

Quarterly.

\$2.00

The *Journal* "offers itself as a forum for the discussion of the problems which relate to the progress of races and states generally considered backward in their standards of civilization. . . . It seeks to discover, not how weaker races may best be exploited, but how they may best be helped by the stronger."

MITTEILUNGEN DES DEUTSCH-SÜDAMERIKANISCHEN INSTITUTS. Stuttgart, Deutsche Verlags-Anstalt.

Quarterly.

10 m.

1. Das Deutsch-Südamerikanische Institut ist eine Vereinigung der Deutschen, welche mit den Ländern des lateinischen Amerikas sowie der Latino-Amerikaner, welche mit Deutschland auf Gebieten geistiger Arbeit Beziehungen unterhalten, und hat die Aufgabe, diese Beziehungen zu pflegen, die Arbeit der Mitglieder zu erleichtern, den Austausch und die Verwertung der Arbeitserfahrungen zu fördern.

2. Politische und religiöse Zwecke sind ausgeschlossen.

3. Das Institut sucht seine Aufgabe insbesondere zu erfüllen durch:

(a) Herausgabe regelmässig erscheinender Mitteilungen, eines nach Ländern und Fachgebieten systematisch geordneten Adressbuches sowie von Auskunftsbüchern;

(b) Vermittelung des Austausches der Veröffentlichungen seiner Mitglieder, insbesondere auch von Behörden, Instituten, Gesellschaften usw., welche periodische Veröffentlichungen herausgeben;

(c) Veranstaltung spanischer und portugiesischer bezw. deutscher Ausgaben geeigneter Werke und Abhandlungen aller Wissenschaften und Künste;

(d) Unterhaltung von wissenschaftlichen Auskunfts- und Studienstellen in Deutschland sowie im lateinischen Amerika.

THE NEAR EAST. A weekly review of oriental politics, literature, finance and commerce. London. 16-17, Devonshire Square.

Weekly.

1£

THE SOUTH AMERICAN. A journal for all interested in Latin American affairs. New York, South American Publishing Co., 1 Broadway.

Monthly.

\$1.00

The South American Publishing Company publishes also "El Norte Americano," a monthly magazine. Objects of both: "To disseminate among all Americans a more intimate knowledge of all American countries, peoples and affairs and to stimulate greater amity and confidence between the inhabitants of the United States and the Latin American countries."

***LA VIE INTERNATIONALE.** Revue mensuelle des idées, des faits et des organismes internationaux. Bruxelles, Office Central des Associations Internationales.

Monthly.

\$5.00

"Revue mensuelle publiant des études d'ensemble et des informations sur la vie et l'organisation internationales.

"Rubriques.—La Vie internationale et l'effort pour son organisation (exposé général de la question).—Calendrier des Congrès et des Expositions internationales.—Compte rendu des congrès.—Faits et Documents sur les questions d'actualité en matière d'organisation internationale.—Articles exposant l'œuvre de certaines associations et les résultats obtenus.—Articles sur la participation des divers pays au Mouvement international."

Chronique Internationale, separately paged.

VERBAND FÜR INTERNATIONALE VERSTÄNDIGUNG. Veröffentlichungen. Oberursel bei Frankfurt a. M., Liebfrauenstrasse 22.

(1) Mitteilungen. (2) Korrespondenz.

"Die Mitteilungen sind nur für die Mitglieder und Freunde des Verbandes bestimmt. Dem Verkehr mit Presse dient die Korrespondenz des Verbandes."

1. "Zweck. Der Verband für internationale Verständigung setzt sich die Aufgabe, das Verständnis für die Bedeutung

gegenseitig förderlicher Beziehungen zwischen den Völkern auf allen Lebensgebieten, namentlich für die Fragen und Problems des Völkerrechts, zu verbreiten, um dadurch einer stetigen, von vermeidbaren Zwischenfällen freien Politik zwischen den Staaten, wie sie im Interesse der allgemeinen Kultur liegt, den Boden zu ebnen.

2. "Mittel zur Erreichung desselben. Der Verband sucht diesen Zweck zu erreichen, indem er in Wort und Schrift, durch Vorträge, durch Kundgebungen seiner Organe, namentlich seiner Verbandstage, durch Veröffentlichungen in der Presse oder in besonderen Schriften, für die erwähnten Aufgaben wirkt.

"Als ein besonders wichtiges Mittel zur Lösung seiner Aufgabe betrachtet der Verband die Einwirkung auf die Erziehung der Jugend im Sinne der von ihm angestrebten Ziele, vor allem der gegenseitigen Achtung der Völker und ihrer Eigenart.

Zu völkerrechtlichen Fragen der internationalen Politik kann der Verband je nach Bedürfnis und Ermessen seiner zuständigen Organe sich äussern, wobei er bestrebt sein wird, durch objektive Darlegung der Sach- und Rechtslage sowie durch Hinweis auf die Mittel und Wege zur Beilegung von Streitigkeiten klärend und beruhigend auf die öffentliche Meinung zu wirken."—*Statutes*.

See also *Conciliation Internationale* and *International Conciliation*.

*WORLD PEACE FOUNDATION. Pamphlet series. Boston, 40 Mt. Vernon Street.
Monthly. Free

"The World Peace Foundation, founded by Edwin Ginn, of Boston, is devoted to the work of peace education in the various fields of the movement."

INTERNATIONAL LAW

BIBLIOGRAPHIE TRIMESTRIELLE DE DROIT INTERNATIONAL.
Paris, 28 Rue Corvisart.

Quarterly. 3 fr.

***THE AMERICAN JOURNAL OF INTERNATIONAL LAW.** New York, Baker, Voorhis & Co.

Quarterly. \$5.00

Published for the American Society of International Law, 2 Jackson Place, Washington, D. C., founded in 1905.

Departments: Chronicle of International Events; Public Documents Relating to International Law; Judicial Decisions Involving Questions of International Law; Periodical Literature of International Law. A supplement, separately paged, contains important texts of an international character.

Beginning with the issue for January, 1912, a Spanish edition has been published with the title, *Revista Americana de Derecho Internacional*.

"The object of this Society is to foster the study of international law and promote the establishment of international relations on the basis of law and justice. For this purpose it will coöperate with other societies in this and other countries having the same object."—*Constitution*.

***CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE.** Division of International Law. Pamphlet series. Washington, D. C., 2 Jackson Place. Free.

1. Arbitrations and diplomatic settlements of the United States.

2. Limitation of armament on the Great Lakes.

3-20. Conventions and declarations of the two Hague Conferences.

JOURNAL DU DROIT INTERNATIONAL PRIVÉ ET DE LA JURISPRUDENCE COMPARÉE, FONDÉ EN 1874 ET PUBLIÉ PAR EDOUARD CLUNET. Paris, Marchal & Godde, 27 Place Dauphine.

Bi-monthly. 25 fr.

NOUVELLE REVUE PRATIQUE DE DROIT INTERNATIONAL PRIVÉ.
Paris, Librairie générale de droit et de jurisprudence,
20 Rue Soufflot.

Monthly. 12 fr.

REVIEW OF INTERNATIONAL LAW AND DIPLOMACY. Tokio,
Japanese Society of International Law.
Monthly. \$1.00

Founded 1902. Printed in Japanese.

REVUE DE DROIT INTERNATIONAL ET DE LÉGISLATION COM-
PARÉE. Bruxelles, 35 Place de l'Industrie.
Bi-monthly. 18 fr.

REVUE DE DROIT INTERNATIONAL PRIVÉ ET DE DROIT PÉNAL
INTERNATIONAL, FONDÉE PAR A. DARRAS, CONTINUÉE PAR
A. DE LAPRADELLE. Paris, Librairie de la Société du
Recueil Sirey, 22, Rue Soufflot.
Bi-monthly. 22.50 fr.

REVUE D'HISTOIRE DIPLOMATIQUE, PUBLIÉE PAR LES SOINS
DE LA SOCIÉTÉ D'HISTOIRE DIPLOMATIQUE. Paris, Plon-
Nourrit et Cie, 8 Rue Garancière.
Quarterly. 23 fr.

REVUE GÉNÉRALE DE DROIT INTERNATIONAL PUBLIC. . . .
PUBLIÉE PAR PAUL FAUCHILLE. Paris, A. Pedone, 13
Rue Soufflot.
Bi-monthly. 21.50 fr.

Droit des gens, histoire diplomatique, droit pénal, droit
fiscal, droit administratif.

Departments: Chronique des faits internationaux; Bulle-
tin bibliographique; Documents, separately paged.

REVUE INTERNATIONALE DU DROIT MARITIME . . . FONDÉE ET
PUBLIÉE PAR F. C. AUTRAN. Paris, Librairie générale
de droit et de jurisprudence, 20 Rue Soufflot.
Bi-monthly. 22 fr.

Departments: Documents internationaux et informations
diversés; Bibliographie.

RIVISTA DI DIRITTO INTERNAZIONALE. Rome, Via Vittoria
Colonna.

Quarterly.

16 l.

Departments: Chronicle of international events; International judicial decisions; National decisions relating to international law; Texts of international documents.

ZEITSCHRIFT FÜR INTERNATIONALES RECHT. Herausgegeben
von Dr. Theodor Niemeyer. München und Leipzig,
Duncker & Humblot.

Bi-monthly.

13.80 m.

Includes both public and private international law.

ZEITSCHRIFT FÜR VÖLKERRECHT. Breslau, J. U. Kern's
Verlag.

Bi-monthly.

21.80 m.

Departments: Chronik; Literatur.



Special bulletin:

**The futility of "Preparedness"
as the Cartoonists see it, with
introduction by Charles E. Jeffe-
erson. May, 1915.** -

**(Out of print and cannot be
supplied.)**

Int 6711.15

INTERNATIONAL CONCILIATION

Published monthly by the
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Entered as second class matter at New York, N. Y.,
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COPIES
5015

TO THE CITIZENS OF THE BELLIGERENT STATES



BY
G. HEYMANS

JULY, 1915

No. 92

American Association for International Conciliation
Sub-Station 84 (407 West 117th Street)
New York City
1915

The Association

The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress or interruption of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects.

A list of publications will be found on page 15.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.
August 18, 1914.

TO THE CITIZENS OF THE BELLIGERENT STATES

The Committee for "The European Federation" being convinced:

That the relations of civilised States towards each other should be governed by the same laws of morality and justice as social life in the nations individually;

That in the first instance the creation of a narrow bond on the basis of equality of rights and preservation of their individuality is desirable for the present European States;

Fervently begs every individual, as well as all organisations that are of the same conviction, to co-operate with all possible energy in the formation of public opinion in that direction and to inform our Committee of their action.

DR. FREDERICK VAN EEDEN.

PROF. DR. G. HYMANS.

DR. ALETTA H. JACOBS.

DR. B. DE JONG VAN BEEK EN DONK.

(SECRETARY OF DUTCH ANTI-WAR COUNCIL,
51 THERESIASTRAAT, THE HAGUE.)

DR. NICO VAN SUCHTELEN.

(SECRETARY, BARICUM-HOLLAND.)

We neutrals enjoy in these times many and undeserved privileges. Certainly, chief among them is that we can continue our appreciation of the one half without despairing of the other half of civilised mankind.

Undoubtedly we too may lean, with more or less vehemence, to the one side rather than to the other. It has been said of us that our sympathies were neither for Germany nor for England, but only for Holland, and actually believed that we should take the assumption as a compliment. Fortunately for the honour

of our nation this is not so. We have not yet sunk to the level where the question of right and wrong becomes a matter of indifference so long as our own interests are not affected. And we have all of us, each according to the measure of his information, and in some degree also to the dictates of his prejudices, given a reply to the question. There is a vast difference, however, between our partisanship and that prevailing amongst the belligerents. Most of us see at least two sides to the question, although perhaps we see more clearly one side than the other; but for the members of the belligerent States, the question appears to have only one side to it. Each man is convinced that his country is making a stand not only for its incontestable rights, but also for the highest interests of humanity; if others do not recognise this, he believes it can only be due to deliberate ill-will, and every member of the opponent country, who neglects to make formal protest against the actions of his Government, gives good proof of that same ill-will. In our case, scarcely one of us will go to such lengths. We, to a certain extent at any rate, have retained the power to appreciate the standpoint not shared by us, and we are therefore less prone to condemn it unconditionally. This is not to be ascribed to a higher morality or better insight on our part, nor to the phlegmatic temperament we are commonly supposed to possess, but to the circumstance, that we, in our capacity as neutrals, get the arguments of both parties laid before us; and that we therefore to a certain extent are in a position to make a proper study of those arguments. The inhabitants of the belligerent countries, on the contrary, rarely hear or obtain anything to read, except what has been said or written from their own standpoint; and if they do happen to hear or read anything else, they will rarely deduce anything therefrom beyond what bears out their own view of the case. Of course this is only natural, being merely an enlargement of what takes place in party or family disputes. It is deeply deplorable nevertheless. The greatest evil of the war is not the untold misery which it carries in its train—its death-roll, its mutilations, the stricken widows and orphans, loss of home and possessions—but it is the rending of the great ideal of the brotherhood of nations which we had begun to cherish as our great hope of the future; the supplanting of mutual faith by

suspicion, the denial of humane qualities in the enemy, the hardening and insulating feeling of self-righteousness in a corrupt society devoted to its own selfish interests. To the neutrals, more than anybody, it must be left to stem this evil. Unlike the belligerents, they are not cut off from other nations, but are kept *au courant* with the opinions held in the different countries through the medium of newspapers, pamphlets, letters, etc.; and seeing how variously the different countries express themselves about the causes which led up to the war, they can appreciate how dissimilar interpretations of right and wrong arise. It would be well if those concerned in the war could share this knowledge, or, at least, had the ability to imagine its existence. Is it really asking too much that those suffering from the blows dealt by their enemy should pay heed to the motives inspiring him? We hope this may still be possible. We hope that amongst you, citizens of the belligerent States, there will be many who will not hesitate to give the enemy his due, and even under these trying circumstances keep, not only your hands, but also your hearts, free from even a suspicion of injustice. Buoyed up by this hope, we urgently request you to give your earnest attention to the following brief summary of the ideas prevailing in the different sections of combatants, and to accept provisionally our assurance that each contains an honest statement of the manner in which the members of the different groups explain to themselves and to others the causes which have led up to the present war.

We will give Belgium the right to speak first:—

“We have merely done what we considered our right and duty to do. It was within our right to resist the invasion of our territory, which was wholly unprovoked; and it was our duty to uphold our neutrality as established by treaties. Germany claimed from us what she herself, in the same circumstances, would have repelled with scorn; she has perpetrated a double wrong, in having first entangled an innocent people in the toils of a devastating war, and then in setting at open defiance treaties to which she had set her own seal. Her original attempt to excuse her action under the plea of necessity is confronted by the fact that the breach had long been pre-meditated, as the German military authorities themselves avow

in their literature; in the resort afterwards to certain pretended agreements between England and Belgium, it was forgotten to reckon with the fact that the documents which were said to be discovered would, supposing them to have been genuine, only relate to an *ipso facto* violation of Belgian neutrality by Germany. Far from constituting a breach of neutrality, they, on the contrary, would give evidence of the intention to avoid such a contingency by every possible means. Finally, Germany has waged war in Belgium with a systematic barbarity which, in the given circumstances, is altogether unjustifiable."

We will now permit Germany and Austria to proceed:—

"The entire fault of the war must be laid at the doors of Russia and England. Russia had long been desirous of recovering the credit lost by her defeat by Japan with a successful war, and, at the same time, of distracting attention from internal friction. England was watching the gigantic strides taken by the industry and commerce of the German Empire with growing envy, and unjustly considered that the supremacy of the sea, to which she had always laid claim, was being menaced by the formation of the German Fleet. Germany, on the contrary, at the cost of heavy sacrifices to herself, had maintained peace for over forty years, and, even now, had no desire to break the relations. When, at the instigation of Servia, the Serajevo assassination took place, the German Emperor did his utmost to localise the conflict; and it was not until Russia had revealed her plans through secretly mobilising, that the war, which had now become inevitable, was declared. And then, when France refused to keep aloof from the contest, Germany, seeing herself confronted by an overwhelming force which necessitated the swiftest possible action, could no longer respect the neutrality (already questionable) of Belgium. This action was seized upon by England as a pretext for the declaration of a war which she had already determined upon, the fact being that Edward VII. had initiated a set of intrigues which aimed at the downfall of Germany. The manner, finally, in which the war in Belgium has been conducted is solely the fault of the Belgian people themselves, who proved such adepts at the practices of franc-tireurs, at mutilation of the wounded, etc., that the

German army was forced to adopt the severest possible measures in order to quell these irregularities."

Finally, the Entente Powers have their say:—

"The Entente was entered into for purely pacific reasons, it being solely intended to act as a deterrent to the ominous aggressiveness of the Triple Alliance. Germany, on the other hand, with her gigantic military system and overbearing attitude, was a constant menace to the peace of Europe. After the preposterous demands made by Austria to Servia this summer, which were utterly intolerable to any sovereign State, Germany could have saved the situation had she chosen to urge her Ally to exhibit moderation in her demands; her refusal to do so, coupled with her opposition of Great Britain's proposals to convene a Conference, forced Russia to take steps for the protection of the threatened sister State; yet, even then, a European war might have been averted if Germany had not, by flinging her ultimatums right and left, cut off all attempts at a reconciliation. France was bound to come forward to the assistance of her Ally; Great Britain, who had a free hand, remained in doubt, and, as in 1870, put the question to France and Germany whether they were prepared to observe the neutrality of Belgium as guaranteed by Treaties. And it was only after this question had been answered by France in the affirmative and by Germany in the negative that she felt morally obliged to enter into the conflict."

May I ask what impression you have obtained from the foregoing contentions?

Your primary impression of these various opinions will certainly be, that it is your own side which gives the true version of the matter and that the others have dished up a tissue of lies and insinuations. But if you will permit me, I will put two questions before you, which you are bound to answer, if you conscientiously desire to do none an injustice, even in thought.

First: Do you think it at all likely that in a conflict so long in preparing and so complicated as the one under discussion, justice and truth should have ranked themselves wholly on the one side, and their opposites all on the other?

Would you yourself, supposing the case concerned a conflict of which you were merely a spectator, be prepared to endorse such a view? Now it appears differently to you; but must not you admit that your judgment may be more or less distorted by the same mistaken ideas as is that of your opponent? It is an established truism that "Where one's treasure is, there one's heart is also," and man's whole nature rises up in revolt when he is in danger of being deprived of that which would rob his life of all its value. Are not the sources upon which you base your judgment almost exclusively one-sided? Have you consulted the official documents—the White-Books, the Grey-Books, etc.—issued by the belligerent Governments, in addition to those of your own? Have you never detected yourself skipping over less favourable reports relating to your own side, and dwelling repeatedly upon the more favourable ones? Can you deny that you prefer the companionship of those who are thoroughly convinced of the absolute justice of your cause to that of those who are apt to come forward with some objection or reservation? And have not you yourself, when doubts have arisen within you, tried to hush them up with the thought that such a thing could not and might not be? And knowing these to be the commonest and most dangerous forms of self-delusion, must not you admit the possibility that your judgment may possibly differ from that pronounced by a fully enlightened and impartial judge?

However, I am here perhaps suggesting a superhuman effort in asking you to admit this. We will, therefore, put it thus:—Your representation of the case gives the truth, the whole truth, and nothing but the truth; that of your adversary is a mass of errors. But here I put to you my second question, which, after all, is more to the point than my first: Cannot you understand that your adversary is forbidden to see the truth as you see it, and consequently must consider right what you consider wrong, and vice-versa? Endeavour for one single moment to put aside your own views and to put yourself into one of the situations described above; cannot you then, for that single moment, feel with your adversaries, and understand that they, who see the actual course of events in a totally different light to what you do yourself, must be subject to different moral reactions? Or do you consider it beyond the

bounds of reason that anybody honestly disposed could possibly hold a different view of the question? Then look around. Have you never in slight personal disputes occurring in your circle observed how people, of whose strict honour you have not the slightest doubt, show themselves blind to what you consider to be the absolute truth? And how much easier it must be for misunderstandings to arise in cases which touch one so closely as the welfare, the existence, and the honour of one's country. You should take into account how the same one-sided information, the same incessant suggestion from without, and the same burning desire for the vindication of one's own cause, which make the access to your truth so very easy to you, are so many stumbling blocks for its admission by your enemies; and then ask yourself seriously if you, in their position, would have the moral courage to resist such a combination of influences. Indeed, the persons on the opposite side may err, but they are human beings who are possessed of feelings similar to your own. You have had intercourse with them before, read their books, appreciated their works of science and art, and followed their endeavour to alleviate suffering and redress wrongs; now, dare you actually believe that during the few days which elapsed between the end of July and the commencement of August they have suddenly been converted into rapacious barbarians or greedy shopkeepers? Be sure they would not have entered into the field against you with the enthusiasm and disregard of death which they have shown unless they had been convinced that their cause was far above the mere desire of conquests or increased business relations. Naturally you cannot conceive that they have a view of the question which is diametrically opposed to your own, and it would be futile to expect you to do so. What is beyond your imagination, however, may be true all the same, and you may see that it must be true. You can theoretically comprehend, although you may not be able to make it real to yourself, that men and women whom you have formerly learnt to know as honourable and upright members of society are not acting against their consciences, but solely because of their one-sided information and limited mental vision, when they hold as right, what you consider scandalous, and true, what you feel to be an impudent lie. And should it still be impossible

for you to appreciate this theoretically, I ask you to believe what every outsider who has remained in personal or written communication with your enemies will assure you, that your enemies, in common with yourselves, are equally convinced of having gone to battle from necessity and for the advancement of a just cause.

After having carefully considered these things, you may perhaps, at the cost of some effort, begin to countenance the idea that when the war is over you will be able frankly to extend your hand to the enemy of yore. It will then perhaps seem to you as if you and he had been awakened from some terrible nightmare or temporary fit of insanity, during which you have both suffered yourself, and made others suffer. You will both stand gazing at the devastation which you have brought about, and reflect upon the wounds you have inflicted upon each other. You will begin to wonder what it was all about, and whether anybody really intended it. Little by little you will begin to acknowledge that it was no one's desire, but that, by a ghastly misunderstanding, each believed it was the other's desire, which caused so many elaborate precautions to be taken, that they got interpreted into military aggression, until at last war itself was an accomplished thing. And then you will admit that after all it matters very little which of the rulers and diplomats has acted as liberator of the Monster of War, since after decades of mutual mistrust of the States the chain which held him had become so worn that he would anyway have broken loose within another few years' time.

But there is another question we must consider when this war will have drawn to a close and Peace sheds its benign influence upon the wounds that have been inflicted: how long will it last? For how long will the nations of Europe be left in peace, to try and restore the havoc of the past few months as best they may? How long will it be before our Continent is subjected to another such attack of frenzy that will claim fresh victims and alienate the nations anew? And above all, for how long, time after time, shall we have to ask this question, When shall we, or shall we never, see peace unbroken by war?

It appears to me that in principle at any rate the latter question admits of a feasible answer. A peace which shall outlast war will settle down when the mutual mistrust between

the States has been removed. In that mistrust and in nothing else lies the actual menace to peace. Much has been said concerning conflicts of interests that can only be solved by the power of the sword; if one looks closer, the conflicts appear to be, nearly without exception, the outcome of mutual suspicion. What reason is there for a State to make conquests if not to get more defensible frontiers, to increase the army and strengthen its finances, and so to be better protected against the dreaded attack of a neighbour? Why come forward to the assistance of allies, even though the cause be unjust, unless there is a similar obligation on the allies to come forward to help in case of need? Why desire the possession of harbours and colonies if not from the fear that those of other States may be closed? What objection can there be to the rapid economic progress of a neighbouring country except that it thereby becomes an increasingly dangerous rival? Such is the prevailing situation everywhere. If a State had no cause to fear outside attack, or impediments to progress, it is difficult to conceive a motive warranting in the remotest degree the catastrophes attendant upon war. Experience teaches us plainly that the serious conflicts of interest disappear immediately when several States unite into a federation, which excludes mutual attacks and governs the rights which the citizens of one State are entitled to in another. Look, for instance, at the relations existing in the federations of Germany, Switzerland, and the United States of North America. There war has practically ceased to exist. The histories of these federated States furnish the empirical confirmation of what has already been urged, and an example for the future at the same time. Wherever the States have united into a federation they have abandoned their mutual mistrust of each other and ceased to make war, and it will not be until the civilised nations recognise federation as the sole means of disbanding mistrust that a lasting peace can be secured.

And therefore it is that it is so highly important that you, to whatever nation you may belong, should already during the war be pervaded with the idea that your enemies are no demons, no savage beasts or cynical egoists, but men like yourself, with the same failings, the same shortcomings, and the same ideals. Possibly they, even more so than yourself, may have been

deluded by their governments and press; nevertheless, they, like yourself, are acting in good faith. And deep-rooted in one and all lies the desire for peace and justice. If you truly desire, as you and your adversaries are so constantly asserting, a peace which will make your enemy "harmless" for all time, I pray you to consider the best means of attaining your desire. If you pursue the old course of levying indemnities, wresting territory and limiting the powers of resistance of your vanquished enemy, the result will be the same as heretofore, arrogance on the one side and rancour and thirst for vengeance on the other, and you will have sown abundant seed for fresh wars. If, on the contrary, you make an appeal to the better side of man, then it will rise to meet you. Only fear can subdue a savage animal; but man, at least the cultured specimen of our days, requires something more—the establishment of justice. Give him that, and you will have made him in very deed harmless for good and all.

LIST OF PUBLICATIONS

Nos. 1-85 (April 1907, to January, 1915). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

86. Documents Regarding the European War. Series IV. January, 1915.

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88. Documents Regarding the European War. Series V. March, 1915.

89. Documents Regarding the European War. Series VI. April, 1915.

90. Documents Regarding the European War. Series VII. May, 1915.

Special Bulletin: "The Futility of Preparedness as the Cartoonists See It," with introduction by Charles E. Jefferson, May, 1915.

91. The Fundamental Causes of the World War, by Alfred H. Fried. June, 1915.

Special Bulletin: University Presidents and the Spirit of Militarism in the United States, by John Lovejoy Elliott; Non-Military Preparation for National Defense, by R. Tait McKenzie, M.D. Reprinted from *The Standard*, December, 1914. June, 1914.

92. To the Citizens of the Belligerent States, by G. Heymans, July, 1915.

Special Bulletin: Existing Alliances and a League of Peace, by John Bates Clark, LL.D., July, 1915.

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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

EXISTING ALLIANCES AND A
LEAGUE OF PEACE

AN ADDRESS BEFORE THE TWENTY-FIRST ANNUAL
LAKE MOHONK CONFERENCE



BY

JOHN BATES CLARK, LL. D.

Professor of Political Economy at Columbia University

JULY, 1915

American Association for International Conciliation

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Pres. C. W. Eliot

EXISTING ALLIANCES AND A LEAGUE OF PEACE

The war has converted the belligerent world to that kind of pacifism which consists in a grim determination that the present Armageddon shall never be repeated, however long it may be necessary to fight in order to ensure this outcome. To perpetuate the peace, however, a strong League of Nations is indispensable, and various plans for such a league are forming. Some of these rely on an extension of treaties of arbitration and conciliation; some would fortify these treaties by giving to the league a power to coerce recalcitrant members, and still others would create a world state with a central government, an army and a navy. The first question to be answered is, What kind of international union *can* be secured? since, in the case of any new league of this kind, the more ambitious the plan, the less probable it is that nations will adopt it. In many minds grave doubt exists whether even a modest plan will be carried into execution. In the face of this doubt I wish to express the audacious opinion that something having the characteristics of a league of peace is rapidly evolving and in all probability will, at the close of the war, require only a small modification to enable it to prevent, so long as it lasts, the recurrence of a great war on the Continent of Europe.

It is not necessary to create a league of peace *de novo* and without reference to combinations which now exist. Two great leagues have been formed,

each embracing powerful states and each so firmly held together that it acts toward the outer world much as a single great empire would do. Since they are now waging against each other the greatest war in history, the conclusion is much too lightly reached that such unions are, *by their nature*, war-breeders. Defensive unions, however, are in line with the whole trend of political evolution. Great nations, created by combining smaller ones, are in the order of the day, and so are federations of a looser kind, such as those which preceded the German Empire and our own Federal State.

Every such consolidation involves a risk that, if a war occurs, it will be larger than it might otherwise be; but it reduces the frequency with which wars occur. Peace between great states continues through longer periods than it does between warring districts which later unite in such states. The prospect that peace shall ever be universal depends on its tendency to establish itself within larger and larger areas till it shall end by embracing the world. European wars have occurred in spite of alliances rather than because of them and the general effect even of imperfect unions has been to lengthen the intervals of peace. It is an even century since a war akin to this one was waging in Europe, and it is forty-four years since a war between any two great nations has taken place on that continent. The consolidating tendency in itself makes for peace.

The present leagues have several times acted as peace preservers. During the Moroccan trouble and the two Balkan wars they averted a general struggle and they might have averted the present one *if, as*

unions, they had been more complete than they were. It is a safe guess that if it had been definitely known that Russia, France and England would act as a unit in opposing the invasion of Serbia, the knowledge would have delayed the invasion and possibly prevented it with all its fateful consequences. The first thing to be remembered is that these two great leagues, both formed for defense, will be in existence and probably vigorous when the war shall end.

Let us assume that peace has been made, that both the Entente and the Alliance continue to be strong and that in everything political they are the powers which must first be reckoned with. Let us assume that, in each of them, the constituent countries are held firmly together because no single country can think of surrendering the protection which union affords. Outside of the Entente, France would be helpless against an attack by Germany and outside of the Alliance Austria would be helpless against one by Italy and Russia. Any country standing alone would have a precarious hold on its territory and its freedom.

The chief dangers that threaten a great league spring from within, while those that threaten a small league are from without. A union of all Europe would be entirely immune against foreign attack and, *for that very reason*, would be far more easily disrupted and plunged into something like civil war. Such unions as the Alliance and the Entente, each of which has a great power now arrayed against it, are held together much more firmly. The bond that unites its members is the imperative need of mutual protection.

If, as we have assumed, the war has ended neither in a draw nor in a sweeping victory for one side—if the unsuccessful league has kept most of its territories and its fighting strength—the situation will throw an enormous power into the hands of the neutral states. By joining either union they might cause it to preponderate over the other; and by joining the victorious one they could make it safe against any attack and able, if it were disposed to do so, to guarantee the peace of Europe. In the smaller states of Europe the opinion is growing that for them liberty and union are one and inseparable. It may be vital for them to join a defensive league and, by their union with it, cause it to become, if it were not already, a true commonwealth of nations, great and small, and fully committed to a just and peaceful policy.

In order to be a nucleus of such a commonwealth a league should, if possible, already contain enough great states to prevent any one from dominating the others. If possible it should contain a number of the smaller states and, as a group, it should be so free from aggressive designs as to merit the confidence of states not as yet in any combination. Since the Entente now virtually includes five great states and four small ones and may soon be joined by more it already has important qualifications for becoming such a league of Peace as we are suggesting—a commonwealth of nations powerful enough to preserve peace and vitally interested in doing it.

The original purpose of each of the two leagues now existing was protective. It aimed primarily to secure each of its members against attacks by other

powers, and this security, which all the members continue to need, is what the small neutral countries are also compelled to look for. What they must demand of any combination which they are asked to join is, above all else, protection. Now the more promising plans for new leagues of peace which have been suggested contain no provision for protecting their members from attacks by nations outside of their circle. They content themselves with preventing warfare between the members. On the other hand, the present combinations have no formal and constitutional machinery for settling internal disputes. A true commonwealth of nations needs to be assured against both dangers and its constitution, therefore, will need to contain the best provisions that it is humanly possible to devise for settling peacefully all internal disputes and also for preventing or repelling attacks by other states. This is saying that an enlarged Entente, besides protecting its members, as it is now using all its force in doing, will need to guard itself against the perils that necessarily beset large leagues, those, namely, that originate from within. The institutions of The Hague will be for it well nigh a *sine qua non* of success, and there must be measures for compelling a resort to them in disputes between members of the league and in those arising between any of them and states outside of it. Such provisions as have been contained in the best constitutions that have been suggested for new leagues will be needed in one that may evolve out of one of the existing combinations.

If a new league should be formed without affording protection against external attacks it would be

necessary that the Entente and the Alliance should continue. It would be vain to ask their members to dissolve them and trust to a new league that would leave each of them to fight its own battles. The Entente or the Alliance, as the case might be, would then constitute a union within a union—a compact defensive body within a loosely organized combination for promoting the friendly settlement of disputes. This is entirely possible. A new league of many states might conceivably be formed and either the Entente or the Alliance might join it bodily and give its own members the protection which the larger league would not give; but a simpler and more natural plan would be to enlarge one of the present leagues and adopt the needed provisions for peacefully settling all disputes of which a member is a party.

Of a league so formed the objection that it is theoretical and utopian certainly cannot be urged. Nine countries are already in effect in the Entente and that combination is now fulfilling the one function that, in making constitutions for new leagues, few persons are bold enough to require of the members—that of lavishing life and treasure in defending each other. In this respect, the present reality outstrips our dreams. As the leagues will almost certainly continue it should be possible to give to one of them the relatively easy function of settling peacefully the disputes occurring within its membership.

Herein lies the golden opportunity for the neutral states. They have a sense of danger and the protective feature of a league will attract them, though the chance of being involved in a general war will, in itself, repel them. It will probably repel them less than

the danger of being conquered by some great state, and both dangers will be at a minimum if the international body that they join is too strong to be attacked and if its spirit as well as its formal constitution and the interest of its members hold it in ways of peace and justice. It will be in the power of the neutral countries to help effectively in making it so. They can consent to join only a union of this character.

It will be hard indeed for the two leagues now in deadly war with each other at once to unite in any single union. Will the fact that one of them for a time holds aloof be a source of danger? In one essential way it will be a cause of security. It is sadly to be admitted that, in the present moral status of the world, treaties are not bands of steel and there is danger that they may be broken when they are not buttressed by national interests. Against the danger of disruption a defensive league which does not include all states of Europe may be stronger than one which does so. The treaty that binds such a league together will be powerfully reenforced if all the members have a sense of common danger—a sense of the presence of a foe strong enough to overcome any country singly. Pressure from without means solidarity within and, while enmities are strong, a hostile nation might impart to a league more strength by remaining outside of it than by joining it.

In the long run, all Europe should be consolidated. (The chance that it will become so by a single step is small, and the best beginning of a general union will be furnished by one of the existing leagues, enlarged by the adherence of neutral states and fortified against

the danger of disruption from within by the exposure of any seceding state to the peril of attacks from without. The league may thrive on external hostility until the good time shall come when the desired system of settling international disputes shall be thoroughly established and peace shall prevail by the supremacy of reason. Guarding always the territory and protecting the sovereignty of its members the league will develop mutual interests so important that a new and powerful tie will bind the countries together in addition to the bond furnished by the necessity for defense. That necessity itself will grow less, armaments may be curtailed and the forces now engaged in mutual destruction may become available for raising in many ways the level of human life. Under such influences the league should become too powerful to be attacked from without and too indispensable to humanity to be weakened or disrupted from within.

For these reasons I conclude that in the leagues now at war may be afforded the most practical means of creating the league of peace. There is inspiration in this possibility and there is a terrible spur to action in what will ensue if it is not realized—desolated lands under enormous debts with no assurance against a further struggle; neutral lands as well as belligerent ones involved in the competition for larger armies, navies, arsenals, guns and fortifications; the people demanding costly reforms by governments unable to afford them and in peril of revolution if they refuse to do so. Only in the relief from war and its burdens lies the possibility of meeting such needs and giving to social progress an upward trend. Such is the plain teaching of the pending struggle. It is as though the

war demon himself had led humanity to the parting of the roads where the guide boards indicate, on the one side, the long way to the Delectable Mountains and on the other, a short route to the pit. Far reaching beyond all precedent is the choice that humanity must soon make and lands at war and lands at peace must participate in the decision.

JOHN BATES CLARK,
Columbia University, New York.



INTERNATIONAL CONCILIATION

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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES No. VIII

ITALY'S GREEN BOOK

TRANSLATION APPROVED BY ROYAL ITALIAN
EMBASSY, WASHINGTON, D. C.



AUGUST, 1915

No. 93

American Association for International Conciliation
Sub-Station 84 (407 West 117th Street)
New York City
1915



International

The Executive Committee of the Association for International Conciliation wish to arouse the interest of the American people in the progress of the movement for promoting international peace and relations of comity and good fellowship between nations. To this end they print and circulate documents giving information as to the progress or interruption of these movements, in order that individual citizens, the newspaper press, and organizations of various kinds may have readily available accurate information on these subjects. A list of publications will be found on page 95.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such diversions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.

August 18, 1914.

PERSONAGES REFERRED TO IN THE GREEN BOOK

- COUNT AEHRENTHAL . . Former Austro-Hungarian Minister of Foreign Affairs.
- DUKE AVARNA . . . Italian Ambassador at Vienna.
- COUNT BERCHTOLD . . . Former Austro-Hungarian Minister of Foreign Affairs.
- DR. VON BETHMANN-HOLWEG . . . Chancellor of the German Empire.
- R. BOLLATI . . . Italian Ambassador at Berlin.
- PRINCE VON BUELOW . . Special German Ambassador at Rome.
- BARON BURIAN . . . Then Austro-Hungarian Minister of Foreign Affairs.
- MARQUIS A. CARLOTTI DI RIPARBELLA . . . Italian Ambassador at Petrograd.
- F. CUCCHI BOASSO . . . Italian Minister at Sofia.
- HANS K. VON FLOTOW . . Former German Ambassador at Rome.
- COUNT FORGACH . . . Austro-Hungarian Foreign Under Secretary.
- GOTTLIEB VON JAGOW . . German Secretary for Foreign Affairs.
- BARON MACCHIO . . . Special Austro-Hungarian Ambassador at Rome.
- M. DI MEREY VON KAPOSMERE . . . Austro-Hungarian Ambassador at Rome.
- COUNT NIGRA . . . Former Italian Ambassador at Vienna.
- MARQUIS DI SAN GIULIANO, Late Italian Minister of Foreign Affairs.
- M. SAZONOF . . . Russian Minister of Foreign Affairs.
- M. SCHEBEKO . . . Russian Ambassador at Vienna.
- BARON SIDNEY SONNINO . Italian Minister of Foreign Affairs.
- BARON SQUITTI DI PALERMITE E GUARNA . . . Italian Minister at Sofia.
- COUNT STUERGCCK . . . President of the Austrian Council of State.
- M. DE SWERBEEW . . . Russian Ambassador at Berlin.
- COUNT SZAPARY . . . Austrian Ambassador at Petrograd.
- HERR VON TSCHIRSKY UNDBOGENDORFF . . . German Ambassador at Vienna.
- COUNT TISZA . . . Hungarian Premier, now Austro-Hungarian Minister of Foreign Affairs.
- HERR VON ZIMMERMANN . German Under Foreign Secretary.

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THE GREEN BOOK

The New York Times, which is the only paper in the world to present the full texts of the English and German White Papers, the Russian Orange Paper, the Gray Paper of Belgium, the Yellow Book of France, and the Red Book of Austria-Hungary, prints below the full text of the Italian Green Book.

This collection of documents covers the negotiations between Rome and Vienna which finally ended with Italy entering the war on the side of the Entente Powers, covering a period from Dec. 9, 1914, to May 4, 1915, inclusive.

To the Green Book have been added two documents which carry the case of Italy beyond the date of her declaration of war on May 23d last. These are the Austro-Hungarian Foreign Minister's note of May 21st to the Italian Ambassador at Vienna and the Italian Foreign Minister's note of May 23d, addressed to the Italian Embassies and Legations throughout the world, setting forth the reasons why Italy entered the war.

The full text of the Green Book, translated from the original Italian for *The New York Times*, follows:

I. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Dec. 9, 1914.

I beg your Excellency to make the following oral communication to Count Berchtold.

The present military advance of Austria-Hungary in Serbia constitutes a fact which cannot but form an object of examination by the Italian and Austro-Hungarian Governments, on the basis of the stipulations contained in Article VII. of the Triple Alliance. From this same article results, to the Austro-Hungarian Government, even for temporary occupations, the obligations of a previous accord with Italy and the obligation of compensations. The Imperial and Royal Government should therefore have consulted us and come to an agreement with us before sending its army across the Serbian frontier. On this occasion, and in order better to emphasize our attitude, we must remind the Imperial and Royal Government that, basing itself exactly on the disposition of Article VII., it prevented us, during our war against Turkey, from executing several military

operations which would certainly have shortened the duration of the said war. The naval operations in the Dardanelles also gave occasion to official reservations by the Imperial and Royal Government. Italy has a foremost interest in the preservation of the full integrity of Serbia and of its political and economic freedom. It is true that the Austro-Hungarian Government has several times declared that it had no intention of making territorial acquisitions to the detriment of Serbia, but a declaration thus formulated does not constitute a durable engagement, and the same general assurances given us by the Imperial and Royal Government on the occasion of Turkey's participation in the war, lead us to foresee as possible, eventual political modifications in the Balkan peninsula. On the other hand, the bare invasion of Serbia, although it should result in being only temporary, has already sufficed seriously to perturb the equilibrium of the Balkan peninsula, and to give us the right to compensations. Note must also be taken that the stipulation of the aforementioned Article VII. gives Italy the right to compensations also for advantages of a non-territorial character which the Austro-Hungarian Government may secure in the Balkan region. The Italian Government holds it necessary to proceed without any delay to an exchange of ideas and therefore to a concrete compact with the Imperial and Royal Government regarding a complex situation which intimately touches some most vital political and economical interests of Italy. Sure signs of disquietude are to be noted in Parliament and in the Italian public opinion, which manifest clearly the tendency of national Italian aspirations. The Royal Government is compelled to keep a serious account of this disquietude and of these aspirations. The understanding invoked by me, on this basis, between the two Governments would result in eliminating in the future every occasion for regrettable incidents, frictions, and diffidences, which today are so painfully frequent, and would instead render possible and natural between the two nations those relations of cordial and constant friendship which are in our common wishes and without which every official accord remains unavoidably maimed and barren. While pointing out to Count Berchtold the friendly spirit which has inspired this step, may your Excellency be pleased to beg him to let us know, with the promptness the case requires, the opinion of the Imperial and Royal Government.

SONNINO.

II. The Minister of Foreign Affairs to the Royal Ambassador at Berlin

(Telegram.)

Rome, Dec. 9, 1914.

I beg your Excellency to inform Mr. von Jagow what I have telegraphed to the Royal Ambassador at Vienna. (1) You will kindly make clear in due time to said Minister of Foreign Affairs the state of the Italian public opinion and the connection which is to be observed in Italy between the question of external and internal politics. The current which is manifested in one part of the public opinion in favor of neutrality does not signify the relinquishment of the Italian interests in the Balkans and in the Adriatic, nor of the national aspirations; but, on the contrary, the persuasion that such interests and aspira-

tions shall be validly taken care of while maintaining neutrality. And if, in fact, the contrary should happen, the reaction in the public opinion would be very grave, and would have results which it is the duty of the Royal Government to foresee and, if possible, to prevent.

SONNINO.

(1. See Document No. 1.)

III. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Dec. 12.)

(Telegram.)

Vienna, Dec. 12, 1914.

I have given Count Berchtold the oral communication as ordered me by your Excellency. He noted that the military operation of Austria-Hungary had not led up to now to a true occupation, even temporarily, of Serbian territory. The occupations which were effected following those operations had been abandoned on the next day or a few days later. In fact, the City of Valievo, which had been occupied a fortnight ago, was shortly after evacuated, following the successive war operations, and it was surely not possible to invoke Article VII. and ask compensations for such a momentary occupation. I then touched on the occupation of Belgrade, which happened several days ago, and in which the Austro-Hungarian Army was still to be found, and Count Berchtold repeatedly said that they would be perhaps compelled to evacuate it soon. I thought well to point out to Count Berchtold that the seventh article was clear and explicit, as it spoke explicitly of temporary occupation and made no distinction regarding the nature of its temporary state. Therefore the occupations, whatever they may be, made until now by the Austro-Hungarian Army since the first day of their entering Serbian territory, fell evidently under the disposition of that article, which imposed the obligation of a previous accord with us to the Imperial and Royal Government. On the other hand, as I had already pointed out to him, the mere invasion of Serbia, although only temporary, gives us a right to compensations owing to its being sufficient to perturb the balance of the Balkan Peninsula, which had been sanctioned by the treaty. Having, after this, called his attention to the opposition made by the Imperial and Royal Government to our military and naval operations during the Italo-Turkish war, on which occasion he had invoked Article VII., Count Berchtold remarked that he had declared himself opposed to those operations in conformity with the principle of the statu quo on which the treaty was based. And he added that such operation could not be compared to those which the Imperial and Royal Government were carrying on in Serbia. The first ones, indeed, were contrary to the spirit of the treaty, for, had they been put into effect, they would have jeopardized the very existence of the Ottoman Empire. While the second ones had no other purpose than to defend the integrity of the monarchy, threatened by Serbia, which aimed at taking away from her Bosnia-Herzégovina. Wherefore the war against Serbia was not aggressive, but defensive, and the Imperial and Royal Government was fighting now for the maintenance of the statu quo.

I observed that I could certainly not admit that the temporary occupations of territories, made until now by Austria-Hungary in Serbia, were not contrary to the spirit and letter of the treaty. It was, in fact, evident that they were threatening the equilibrium of the Balkan Peninsula, while, on the other hand, they destroyed the balance of power which, according to the said treaty, was supposed to exist between us. And, in reference to this, I reminded him that repeatedly, and even at the moment when the war had begun, the Royal Government had declared to the Imperial and Royal Government that it could never allow the integrity and the political and economical independence of Serbia to be jeopardized, as this was contrary to our interests as well as to the disposition of the treaty. Count Berchtold replied that the Imperial and Royal Government had not the slightest intention of annihilating Serbia. I observed that, as far back as the 25th of last July, I had, in his absence, declared to the Baron Macchio that, should Austria-Hungary have proceeded to territorial occupations, even temporary ones, without our previous consent, she would have acted in violation of the seventh article of the Triple Alliance, and we must therefore make all our reservations to protect our eventual freedom of action as well as our rights and interests. The Royal Government believed the moment had come to refer to those declarations, as it could certainly not admit the arguments sustained by the Imperial and Royal Government, that Austria-Hungary had not occupied until now, even temporarily, Serbian territories. To which Count Berchtold observed that he could not understand how the seventh article could be invoked for temporary occupation resulting from occupations of war, which may be abandoned from one day to another, according to the fate of arms, and could not therefore form the object of a previous accord based on the principle of compensation. But the Imperial and Royal Government was disposed, were real occupations of Serbian territory, or even temporary ones, to be made, to come to an agreement with us on the stipulation of the above-named accord. Notwithstanding my repeated and warm insistences to convince Count Berchtold that the advancing in Serbia of the Austro-Hungarian troops and the temporary occupation of territories made by them imposed on the Imperial and Royal Government the obligation to proceed previous to that to an agreement with us, based on the principle of compensation, he persisted in the opinion above manifested, and he concluded by saying that he did not believe this to be the time to come to an exchange of views with the Royal Government regarding this matter.

AVARNA.

IV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Dec. 13.)

(Telegram.)

Vienna, Dec. 13, 1914.

The principal argument adduced by Count Berchtold in order to avoid an exchange of views with the Royal Government about the application of the stipulations of the seventh article of the alliance treaty in relation to the occupation of part of the territory of Serbia by the

operation of the Austro-Hungarian troops was that this very occupation had neither temporary nor permanent character, but only momentary, as it was only the inevitable and immediate consequence of the military operations and was liable, therefore, to cease from one moment to the other, according to the changes which should occur in the military situation of Serbia.

I believe it to be useful, however, for the upholding of our argument, to inform your Excellency that the bulletin of the Austro-Hungarian Army publishes in the pamphlet 342 the appointment of Major General Oscar as commandant of the City of Belgrade.

AVARNA.

V. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Dec. 15.)

(Telegram.)

Vienna, Dec. 14, 1914.

I have been informed indirectly that Mr. von Tschirsky, following the instructions given him by Mr. von Jagow, seems to have succeeded yesterday in convincing Count Berchtold to enter into an exchange of ideas with the Royal Government with regard to Article VII. and to establish them the compensations which are due to us in case of military or permanent occupation in the Balkans by Austria-Hungary.

AVARNA.

VI. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Dec. 16, 1914.

I am surprised at the thesis sustained by Count Berchtold. I approve of your Excellency's answers. We cannot accept Count Berchtold's distinction between temporary occupations and momentary occupations resulting from war operations.

This distinction is contrary to the spirit and to the letter of Article VII.

The obligation of the accord with Italy on the basis of compensations rests on that (Austrian) Government from the fact of the advance of the Austro-Hungarian troops in Serbia and of the occupation of that territory, they having even appointed a military Governor for Belgrade.

Neither can we accept the arguments of Count Berchtold with regard to the precedent in the Libyan war. At that time Austria-Hungary prevented us, on the basis of Article VII., not only from temporary or momentary occupations, but also from simple war operations like bombardments, without occupation. This attitude of Austria-Hungary caused us very grave losses, from the military point of view as well as from the political one, as it encouraged Turkey to resistance, she feeling herself indirectly sustained and protected. The

contention that, during the Libyan war, the statu quo was threatened by us, has no weight. Article VII. speaks expressly of the statu quo in the (Near) East and in the Balkans, and not of the Ottoman Empire as such. And the military expedition of Austria in Serbia has perturbed precisely the statu quo and the equilibrium as foreseen by Article VII. I repeat that we did not give to Article VII. the prohibitive application that Government contended it had during the Libyan war, but we did not intend, nor do we intend, to renounce the rights the said article guarantees us.

It is well to recall to mind, while on this subject, the very terms used by that Government in its communications during the Libyan war.

With a telegram dated Nov. 5, 1911, your Excellency informed us that Count Aehrenthal had declared that "an action of ours on the Ottoman coasts of European Turkey, as well as on the Isles of the Aegean Sea, could not have been countenanced by either Austria or Germany, because contrary to the Alliance Treaty." Such declaration was made to your Excellency following the rumor that Italian warships had used electrical signaling (*proiezioni elettriche*) in the neighborhood of Saloniki. With the telegram of Nov. 7, 1911, your Excellency informed us that "Count Aehrenthal considers the bombardment of the ports of European Turkey, such as Saloniki, Cavalla, etc., as contrary to Article VII." In April, 1912, (your Excellency's telegram, dated April 21st,) Count Berchtold uttered warm complaints because the Italian fleet before the Dardanelles damaged those forts while answering their cannonades; on that occasion Count Berchtold declared to you that "should the Royal Government wish to take back its freedom of action the Imperial and Royal Government might do as much. However, he could not countenance our making in future like operations, nor any action whatsoever in opposition to the point of view manifested in the preceding interviews. Should such an operation be put into execution by us, it might have grave consequences."

To your Excellency's remarks, stating that the Royal Government had repeatedly declared it could not countenance the integrity and the political and economical independence of Serbia being curtailed, this being contrary to our interests and to the tenor of the treaty, Count Berchtold replied that the Imperial and Royal Government had not at all the intention of "annihilating" Serbia. I cannot consider this answer as satisfying. Between the maintenance of the integrity and the political and economical independence on one side and annihilation on the other, there is a large margin which must precisely form the object and basis of negotiation between us and Austria, according to the dispositions of the treaty. Territorial occupations, be they partial, permanent, or temporary, or any other advantage of nonterritorial character, or even only of political influence or of economical privileges, must form argument for previous understanding. Therefore the declaration of Count Berchtold, to be ready to come to an accord in the case of real occupations, even temporary ones, does not suffice.

And I regret that Count Berchtold should not think this to be opportune time to come now to an exchange of ideas with us. I beg your Excellency to insist with him, sustaining our point of view. The agree-

ment in the spirit of Article VII., must be preventive, and not contemporaneous or consecutive to the fact or to the facts which give rise to negotiations or to the agreement itself.

May it please your Excellency to keep in mind that we consider as gravely hurtful to our interests the eventuality of prolonged conversations with Vienna regarding the interpretation of the maxims of Article VII. while events which may lead us to face accomplished facts are ripening.

In the interview which you are to have with Count Berchtold I beg you will confirm all I communicated to you in my telegram of the 9th instant regarding the tendencies which are to be observed in Parliament and in public opinion and regarding the supreme opportunity, in our common interest, to establish on a solid and permanent basis of trust and constant friendship the relations between our two countries.

SONNINO.

VII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received on Dec. 21.)

(Telegram.)

Vienna, Dec. 20, 1914.

I have expressed myself to Count Berchtold according to your Excellency's instructions.

He informed me that he was agreeable to entering at once into an exchange of ideas with your Excellency regarding Article VII., so as to establish the compensations to which Italy is entitled in case of temporary or permanent occupations in the Balkans by Austria-Hungary. He afterward told me that he admitted:

1. That between the maintenance of the integrity and independence of Serbia and her annihilation there was a large margin, which must form the object and basis of negotiations or an agreement between us and Austria-Hungary, according to the dispositions of the treaty.

2. That, according to the disposition of the treaty, even partially, permanent and temporary territorial occupations, or whatever advantage of nonterritorial character and even only of political influence or of economical privileges, must form an argument of previous agreement on the basis of compensations.

3. That the accord foreseen by the seventh article must be preventive and not contemporaneous and not consecutive to the fact or to the facts which give rise to the negotiations and to the agreement itself.

Having finally restated to Count Berchtold all I had communicated to him in the preceding interview and which is referred to in the last paragraph of your Excellency's telegram, Count Berchtold called to mind his past constant and assiduous work, intent on rendering the mutual understanding ever more intimate. It is true, there have been some incidents, some of which were very displeasing, like the Hohenlohe decrees, which he had warmly regretted, but these could not curtail the ties which unite the two countries. Furthermore, the ques-

tion of Albania, notwithstanding the grave vicissitudes through which it had passed and the difficulties it had raised, had brought the two Governments into co-operation in a common action and had been the basis of an understanding. He could not, therefore, withhold his full consent from your Excellency, regarding the supreme opportunity of establishing, in the common interest, the relationship between the two countries on a basis of permanent trust and constant friendship, which had been the goal he had always aimed at. AVARNA.

VIII. The Minister of Foreign Affairs to the Royal Ambassadors at Vienna and at Berlin

(Telegram.)

Rome, Dec. 20, 1914.

I received Prince von Bülow yesterday for the first time. He told me he had come to Italy with the intent better to explain in Berlin our present mental attitude and point of view, and better to explain here the point of view of Germany. He proposed to work for the betterment of the good relations and understanding between the two countries.

Before leaving Berlin he had received the news of the step we had taken at Vienna, invoking a discussion regarding Article VII. of the Treaty of the Triple Alliance. He had said in Berlin that we had every right to demand that discussion regarding the compensations which were to accrue to us should Austria have obtained certain results. And he believed that this opinion of his had had its effect in Vienna also.

I remarked to Prince von Bülow that the situation in Italy might be summarized in very few words. The majority of the country is favorable to the preservation of neutrality and sustaining the Government in this direction, but provided that with this neutrality we might obtain satisfaction for some of the national aspirations. This task, of which I acknowledged all the difficulties, was the one the Government had undertaken.

Its solution might imply reactions hurtful beyond the mere fate of a Ministry, which would, however, be a thing of little account. The Savoy monarchy draws her greatest strength from its representation of national feeling. And Prince von Bülow, who knows our country, might very quickly ascertain the truth of our assertions.

He had said one day in the Reichstag that the Triple Alliance was the best way to prevent a war between Austria-Hungary and Italy.

To this Prince von Bülow remarked that he had then cited a saying of Count Nigra stating that Austria-Hungary and Italy could but be allies or foes. I answered that there might be a little exaggeration there, but that there was much truth in it. The alliance, however, could not be useful and fruitful if perfect cordiality were lacking between the parties and if it were necessary to go and verify the letter of the signed compacts on every very slight occasion. It was necessary to foresee and to provide for the future, even beyond the present war, and we had therefore to put matters on a more secure and constant basis. It was therefore advisable to suppress all incentives to mis-

understandings and frictions, so that the future relations with Austria, the existence of which was also necessary to Italy's interests, might become cordial and natural, like those which exist between us and Germany.

Prince von Bülow thanked me for my frankness and acknowledged the necessity of working in this sense. He wished that the relations between Germany and Italy might ever become more cordial.

Today I saw Baron Macchio.

He told me that, having had to leave Vienna unexpectedly during August to come to Rome and substitute for Mr. di Merey, he takes advantage of these festal days to pay a short visit to his home. I answered that I was glad to think he might better inform Count Berchtold relative to the situation in Italy and our points of view, and I mentioned the steps we had taken in Vienna relative to the application of Article VII. of the Treaty of the Triple Alliance.

Baron Macchio said he knew of the step we had taken, and he was informed that now his Government had realized the opportunity of entering into a discussion of this theme, with the reservation of defining and settling matters better by and by, according as the war proceeded. He again pointed out that, in the Austrian movements in Serbia, the elements of a "temporary occupation," according to Article VII., were not discernible.

I answered that this did not seem just to me. Even a Governor had been appointed to the City of Belgrade. And if the invasion of Serbia were compared to what had happened in the Libyan war, when Austria had put her veto on the bombardment of Saloniki and of the Dardanelles, there could not be any doubt about our present right to invoke the application of Article VII. My wish was to create a position which might put the relations between Italy and Austria upon a basis of greater cordiality, so that the daily incidents which tend to embitter them may be avoided, incidents which grow by the effect of the very state of mutual mistrust. SONNINO.

IX. The Royal Ambassador at Berlin to the Minister of Foreign Affairs

(Received the 6th.)

(Telegram.)

Berlin, Jan. 6, 1915.

According to the general instructions given me by your Excellency, I have not neglected any occasion to try and obtain the support of the German Government for the step which the Royal Government has taken in Vienna regarding the interpretation of Article VII. of the treaty. Having again mentioned it in my conversation of yesterday with Mr. Zimmermann, he told me that Prince von Bülow had reported from Rome the same things I had several times reported to him, i. e., that it would be very difficult for the Royal Government to maintain the attitude of neutrality, in which it had the approbation of the Parliament and of the country, without having obtained satisfaction for some of the national aspirations. Mr. Zimmermann assured

me that he perfectly realized this state of things and that he had never ceased to insist so that they may also realize it at Vienna, deducting from it the consequences which might follow inevitably. But until now he had always met with a denial, the motives for which, though they be not based on the precepts of practical politics, he could not but find justifiable.

With all this, he was continuing his efforts and did not yet despair. The conviction of the necessity for Austria to submit to some sacrifice for Italy if she wants to avoid greater woes has by this time penetrated in all these directing circles.

BOLLATI.

X. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Jan. 7, 1915.

In a conversation I had yesterday with this Ambassador of Austria-Hungary he told me he had observed a greater hostile disposition in the Italian public mind than when he had left for Vienna during last December.

I replied that I did not deem this to be correct; that, during the last two months, public opinion had calmed itself, accepting neutrality according to the Government's program; that, however, one must acknowledge that this same opinion, even the most neutralistic, was founded on the supposition that with neutrality certain national aspirations would be satisfied; and that it was just in this understanding that lay all the difficulty of the situation.

This took me back to the question of the compensations, according to Article VII. of the Treaty of the Triple Alliance, i. e.; to the object of the step I had taken about a month ago at Vienna. Count Berchtold had now admitted the possibility of Italy's invoking in the present circumstances Article VII. of the Triple Alliance and the opportunity for starting a discussion about the eventual compensations to be allowed to Italy, before an action of the Austro-Hungarian Empire tending to modify the equilibrium in the Balkans.

The release of Serbia from the imperial army seems perhaps to render less urgent such a discussion, freeing it from any character of urgency if not of actuality, nor did I want to seem to "chercher querelle" ("seek a quarrel") with Austria-Hungary, through too much pressure.

On the other hand, however, the logical and political reasons for treating the question of the compensations have lost none of their strength; moreover, the condition of an attack on Serbian territory or on another point of the Balkans by the imperial army may happen again, and very likely will happen again.

The reason, logical and fundamental, which justifies and calls for the discussion I requested, lay in the fact of the war waged by the empire since the first day, and with a finality and a direction absolutely opposite to the clearest and most evident interests of Italian politics in the Balkan Peninsula.

The political reason is obvious in the necessity of creating once and for all between Austria-Hungary and Italy a situation propitious

for the elimination of constant frictions and misunderstandings between the two nations, substituting in their stead relations of sympathy and of cordiality, capable of rendering possible a normal co-operation toward common goals of general politics, if we wish to provide for the future and to render useful and fruitful an alliance between the two States.

Every alliance which is not fed by friendship and which does not contribute on its own account toward augmenting this friendship, must necessarily be barren and vain.

In order to reach such a situation, we need both the calm and the daring of facing serenely—in the occasion of the discussion on compensations, of which Article VII. of the Treaty of the Triple Alliance treats—the delicate question which reflects the possible cession of territories which today belong already to the Austro-Hungarian Empire.

Is the Imperial and Royal Government disposed to treat the question, even though it be carried on this field?

We, as neutrals, cannot today accept the discussion on the basis of eventual compensations concerning territories belonging to other warring nations, because this would be equal to taking part in the conflict from now on.

Baron Macchio, in answering, admitted the timeliness of discussing freely everything without raising the question of susceptibility or of self-love. He hinted at the possibility of compensations with regard to Albania, a country so near Italy and easily accessible.

I replied that I could see but one true interest for Italy in Albania—the negative one, consisting of preventing any other power from going there; that for all the rest that region had not the slightest attractiveness for us.

The Austrian Ambassador observed that every mutual engagement must rest on the principle of the "do ut des" (give and take) and therefore Italy also must determine her share of contribution or she must define what advantages Austria-Hungary might draw on after the war was ended and calculate Italy's advantages comparing them to that conclusion. Austria-Hungary has no territorial gains in view to the detriment of Serbia.

I replied that advantages might be other than territorial; and that she might secure for herself many advantages of influence and political, economical, and moral preponderance, which were all contemplated in the nature of Article VII.

And the *do ut des* would yet exist if one of the contracting powers should, within predetermined limits, leave to the other a free hand in her actions against precise and settled concessions.

I answered to the oft-repeated remarks of Baron Macchio that every bond must be made to depend from the ultimate results of the war that, if we wished to guide Italian public opinion, bending it in a direction favorable to the agreements it was necessary to let it forsee from the very start a minimum of tangible and sure advantages, which should not depend only on uncertain and remote eventualities. Otherwise every effort would remain without any practical effect.

Baron Macchio having pointed out the extreme difficulty of treating such themes, not only for the questions of self-love and of susceptibility which I had already mentioned, but also from the point of view of the precedents which would be established in an empire formed like the Austro-Hungarian one, I answered that the separation of the

few Italians, who had remained Austrian subjects, could not establish a dangerous precedent for the empire because now, after 1859 and 1860, the Italian element was so small in number that it could not defend itself against the associated nationalities and that it could never aspire to any development within the limits of the empire, as other nationalities might. I cited the case of Trieste, where, even at the very moments in which the relations between the two States had become the more cordial, Slavonic pressure had forced the Imperial Government to perform acts against the Italian element, notwithstanding the harm which had resulted from it to the international situation itself. Nothing remained for the Italian element in Austria but to disappear, smothered by the other nationalities, Slav or German, which squeezed it, or to detach itself from the empire.

Considering the general and international situation, it might be more advisable for the said empire to perform the amputation.

We remained agreed that all these questions should be discussed in a friendly way, setting forth on both sides the ideas and propositions and thrashing out the matter thus—at Vienna as well as at Rome.

SONNINO.

XI. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and Vienna

(Telegram.)

Rome, Jan. 15, 1915.

For your Excellency's exclusive perusal I communicate to you a summary of some of my recent interviews.

Jan. 11, 1915.—*First interview:*

Prince von Bülow stated to me that Germany was sending to Vienna Count Wedel, who was Ambassador at Rome, and then during several years at Vienna, with the intent of inducing the Austrian Government to give the Trentino to Italy.

The greatest difficulties which are to be foreseen and for which it would be advisable to find a solution, said Count von Bülow, are two:

1. Of a military character: The military element is sure to be opposed during the war to the release of all the soldiers belonging to the region the surrender of which is negotiated. He said that the Trento soldiers in the imperial army fight well. Would it not be possible to wait until after peace shall have been made for the dismissal of the soldiers?

2. Of a dynastic character: The susceptibility of the Emperor, who, among his other titles, wears also that of Count of Tyrol, should not be hurt. Some kind of formal way of solving this problem might be found by the cession of the territory of the ancient Diocese of Trento, which formed part of the Germanic Roman Empire and which was aggregated in Tyrol in a relatively recent epoch. But what were the exact boundaries of the diocese? Prince von Bülow asked it of me.

I answered that, as far as the military question was concerned, I did not see how it was possible to delay the release of soldiers belonging to provinces which had been ceded; that, the cession once hav-

ing been made, the retaining of soldiers of the levy would have a deplorable effect on the Italian public opinion.

As far as the question of the Diocese of Trento was concerned, I could say nothing that day.

In the formation of the first Napoleonic Italian Kingdom, the Trentino had been detached from Tyrol, reaching as far as Bolzano.

The Prince von Bülow remarked that the population of Bolzano was German, at least the great majority was, and that the Valley of Merano was entirely German.

He urged me to make some researches on the boundary of the ancient ecclesiastical Principality of Trento; he said that he, too, would try to gather information, and that it was advisable to do everything possible to make the task of Count Wedel easier.

The Prince von Bülow spoke as though it were a matter of course that, should Austria offer us the Trentino for our obligation of absolute neutrality, we would exact nothing else.

Second interview:

During the afternoon of the same day, Jan. 11th, Baron Macchio, while speaking of Article VII. and of the eventual compensations, spoke again of Albania, saying that he did not understand why now Italy did not attach to it the importance she seemed to attach to it during the past years.

I answered by repeating that our interest in Albania was, more than anything else, a negative one, i. e., that no other power should occupy it, and that we had not the slightest desire to be dragged into the wheelwork of the internal Balkan questions, and to find ourselves inevitably and lastingly in opposition with Serbia and Bulgaria. And that, after all, Austria also seemed now to attach less interest to it. That we brought the question of the compensations on the ground of the provinces, which were the target of the popular nationalist feeling.

Baron Macchio insisted on this point, not being able to reconcile himself to discarding from our discussion Albania as matter of compensation. He remarked that Article VII. contemplated none but Balkan questions.

I replied that it contemplated modifications in the Balkan States as the motive for treating of compensations, but that this did not in the least imply that the compensations should be limited exclusively to the Balkans.

Baron Macchio spoke of our armaments and of our concentration of troops, especially in the provinces nearest the Austrian boundary. He hinted at the benevolent neutrality which should be maintained when one of the allies thought himself justified in not taking part in the hostilities together with the others.

Third interview:

In a visit Prince von Bülow paid me today, Jan. 14th, he asked me whether it would not be possible eventually, when we should have reached a settlement about the Trentino, not to announce the matter publicly, nor even to the Chamber of Deputies, the Government giving out to the latter only the news of having at hand enough to reasonably believe that the greatest national aspirations would be satisfied.

I said that this was absolutely impossible; that popular imagination would at once rise in such a way that the day when the whole

matter would become known a universal disappointment would be experienced and the consequent reaction would follow. It would have been better not to do anything about it, or to announce nothing as concluded.

As for the form of cession concerning the Trentino, the Emperor could very well, even after the cession, keep his title of Count of Tyrol, because the Trentino became administratively attached to the County of Tyrol only in 1802. It sufficed that, on effecting the cession, the boundaries of it should be determined with precision, for during the centuries the ecclesiastical Principality of Trento had had very varied boundaries.

I added that I did not feel that the popular Italian feeling should content itself with only the Trentino; that a durable condition of friendship between Austria and Italy could only be arrived at when the irredentist formula of "Trento and Trieste" could be completely eliminated.

Prince von Bülow begged that we should not enlarge the demands, because Austria would certainly have preferred war to the cession of Trieste. And he demonstrated to me all the importance which in Austria they attach to this port. He believed he might succeed with the Trentino, but no further. He repeated that to come to an agreement and avoid the war was of the greatest importance for Germany as well as for Italy.

SONNINO.

XII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received the 18th.)

(Telegram.)

Vienna, Jan. 18, 1915.

During the conversation I had today with this Minister of Foreign Affairs I have explained to him the various arguments which your Excellency unfolded to Baron Macchio in the conversation you had with him regarding the application of Article VII. of the Alliance Treaty.

Baron Burian pointed out that he was anxious to again declare to me that, if Austria-Hungary had effected a real temporary occupation she would be disposed to give Italy the due compensations contemplated in the above-named article.

He remarked afterward that he could not understand how it might be affirmed that Austria-Hungary had waged the present war with a finality and direction opposed to the interests of the Italian policy in the Balkan Peninsula; the goal that Austria-Hungary had aimed at in declaring war on Serbia was the guarding of the interests of the monarchy, and in consequence the existing statu quo, which was threatened by that power.

The war had consequently a defensive and not an aggressive aim, as had been declared repeatedly by the Imperial and Royal Government.

I asked Baron Burian to observe that we were interested in the maintenance of Serbia's political and economic independence and in the equilibrium of the Balkan peninsula.

It was evident that this independence and this equilibrium were gravely threatened by the present war, which, therefore, could be considered by us only as contrary to our interests in the Balkans.

Baron Burian having added that Austria-Hungary did not aim at all at modifying the statu quo in the Balkans nor at the acquisition of territories in Serbia or anywhere else, as it was not her intention to augment the Serbian population within the monarchy, I observed that the independence of Serbia and the equilibrium of the Balkans would not be threatened solely by territorial acquisitions that Austria-Hungary might effect in that realm or somewhere else, but by any advantage or influence or political preponderance also, as well as by moral or economic advantages and those of different nature which she might secure and which were all contemplated in the seventh article of the treaty.

Baron Burian told me afterward that he was disposed to co-operate with your Excellency to do his share in eliminating between the two countries continuous friction and misunderstandings, to help make mutual relations rest on the basis of sympathy and cordiality, and that he was also ready to subscribe to the words said by you to Baron Macchio relative to the unfruitfulness and uselessness of an alliance not fed by friendship.

Hinting afterward at the eventual cession of territories at present belonging to the monarchy, he expressed his wonder that the question should be raised on so delicate a ground these territories being here considered as "erbland" (crown-land). Pointing out the great difficulties that such question will raise, he added that, had the demand formulated by Italy been known to the public, it could not have failed to provoke the strongest opposition in all parts of the monarchy. I then observed that I did not deem the demand, to which he alluded, should prevent the friendly discussion of the matter, taking as a starting point the supposition that this detrimental condition might be eliminated afterward. Baron Burian, having raised the question that the cession of the territories requested by us might constitute a precedent in a monarchy like the Austro-Hungarian, I explained to him how the severance of a few Italians who are Austrian subjects could not constitute a dangerous precedent for the monarchy, and concerning this I unfolded to him the other considerations which your Excellency explained to Baron Macchio. Speaking afterward of our occupation of the islands of the Dodekanesus and of Valona, Baron Burian observed that for these occupations the seventh article of the treaty might have been invoked, and he alluded, touching upon it very lightly, to an ulterior expansion on our part in the occupation of Valona.

I replied that I did not deem the above-named article could be invoked for that occupation. It was well known how the occupation of the Dodekanesus had been brought about. As for that of Valona, it had been caused by the disorderly conditions which existed in Albania, and it was intended to protect the deliberations of the London Conference, Italy being the only power which was not implicated in the war.

Moreover, the efforts of the Royal Government were directed to preserving for the moment, as far as was possible, the statu quo in Albania pending the final deliberations which might be reached by Europe, regarding the matter at the end of the war. I added that Albania

had for us no interest but a negative one, i. e., that of preventing any other power to go there, and that that region had no attractiveness whatsoever for Italy. We had no wish whatever to be caught forcibly in the wheelwork of internal Balkan questions and find ourselves lastingly in conflict with Serbia or any other Balkan power. I did not doubt that Baron Macchio had explained to him the true situation in Italy. The majority of the country wanted neutrality and was decided to uphold the Government, but with the expectation of obtaining some satisfaction for the national aspirations.

It must not be forgotten that, with us, the monarchy draws her strength especially from representing the national feeling. It was for this that the Royal Government had brought the question of the compensations upon the regions toward which the popular feeling turns, so as to be able to draw from it the necessary strength to take and to fulfill the eventual diplomatic obligations. I reminded Baron Burian of the declaration he had made me on his first visit, i. e., that he would exert himself so that the alliance might be able to subsist in the future also. But, in order to reach this goal, it was necessary, as I had already asked him to observe, to give the alliance that which it lacked at present, that is, the perfect mutual cordiality, and to put matters on a secure and constant basis, and this was your Excellency's aim in carrying the question of the compensations on the field I had already indicated to him. To this Baron Burian replied that he acknowledged that the aim was a friendly one, and that he was grateful to your Excellency for it, but that he could not but remind me of what he had said with regard to this matter.

Lastly Baron Burian observed that he could not understand how Italy, in her quality as a neutral power, could not accept a discussion regarding the compensations relating to territories possessed by other warring States, while she asked under the title of compensation the cession of territories belonging to Austria-Hungary, which is also a warring State. It did not seem to him that Austria-Hungary could be asked for what was not asked of the other powers who were, like her, at war. He urged me, therefore, to beg your Excellency to better explain your thought regarding this matter.

Baron Burian concluded by saying that he would study better the question on which I had entertained him, and would consult more attentively the terms of Article VII. of the treaty, which he had not at present, and that he was disposed to discuss with me in a friendly way the same question and to examine the ideas and the proposals which might be made concerning it.

AVARNA.

XIII. The Royal Ambassador at Berlin to the Minister of Foreign Affairs

(Received Jan. 22.)

(Telegram.)

Berlin, Jan. 22, 1915.

The Chancellor, who has been in Berlin for two days, expressed the desire to see me, and I had a conversation with him last night. He told me that he was informed about the exchanges of ideas which had been initiated between the Royal Government and the Austro-

Hungarian Government, and that he hoped very much that they might lead to a conclusion satisfactory to both parties in the interest of the maintenance and consolidation of the good relations between the two powers, which represent a cornerstone of the policy of the German Government. To this end the German Government has supported and will continue to support our negotiations at Vienna with every insistence, but it is necessary, he added, that also the Royal Government help to facilitate the task by conducting the negotiations with that prudence and that moderation which befit the particularly delicate nature of the question involved.

BOLLATI.

XIV. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Jan. 23, 1915.

As to the request made to your Excellency by Baron Burian in the conversation of the 18th inst., in order to get further explanations regarding that exclusion made by me of territories possessed by a third belligerent and the observation of Baron Burian that Austria-Hungary also is a belligerent State, it seems to me almost superfluous to explain that we ask of Austria-Hungary the cession of territories that she already possesses as her own, while the latter Government would like to discuss the cession of territories possessed today by one of her adversaries, and that in this line lies the whole difference.

Belligerent or not, any State may give a thing which it owns to a neutral, or exchange it with the same, still the acceptance on the part of the latter would not constitute the slightest violation of neutrality, unless (and this would not be the case) the thing transferred were the precise object of the contest between the donor and third parties; but one cannot say the same thing when it is a question of giving territory which the conceding State does not possess in its own right, and which belongs instead to one of its belligerent adversaries; in this case the acceptance of such an offer of territory on the part of the neutral State, as a compensation for any action or help given by it, appears evidently as an unfriendly act and a taking part against the present owner of that very territory.

From everywhere a new Austro-Hungarian military expedition against Serbia is announced today. Such an expedition tends to disturb the political condition of the Balkans, favoring, on the one hand, the influence and the interests of the Austro-Hungarian Empire, and, on the other hand, placing in peril the conditions of Serbia, the conservation of whose full political and economic independence represents a prime interest to Italy.

In such conditions it is well today to draw the attention of the Austro-Hungarian Government on the peculiar importance and urgency which the preliminary discussion assumes about the compensations to Italy to be stipulated on the basis of Article VII. of the treaty of the Triple Alliance.

I beg your Excellency to confer with Baron Burian about the above matters as soon as he returns to Vienna and telegraph me.

SONNINO.

XV. The Minister of Foreign Affairs to the Royal Ambassadors at Vienna and at Berlin

(Telegram.)

Rome, Jan. 26, 1915.

Prince von Bülow told me today that it will not be possible to come to a practical conclusion in regard to the negotiations with Austria-Hungary relative to the application of Article VII. of the treaty, if the Italian Government does not indicate precisely what it wants, because the Austro-Hungarian Government fears that if it concede something the demands afterward would multiply—it fears a “Schraube ohne Ende” (“an endless screw”).

He again entreats us not to overdo our demands.

I answered that as long as the Government of Vienna does not accept explicitly and definitely that the discussions bear on the ground of the cession of territory now possessed by the empire, it is not possible to claim that we state precisely the what and the which of our requests. Up to now answers from Vienna were always general and vague, replying with preliminaries or with objections based on principles.

Let Vienna declare that it accepts the ground of discussion, and then I shall be able to consult my colleagues in order to formulate precise requests.

I added that I was very much discouraged about the way in which things were going. The official press of Vienna (for instance the *Tageblatt* and the *Wiener Allgemeine Zeitung*) had made untimely declarations in which they excluded every possibility of cessions of territory now belonging to the empire. With this every possible future concession was made very difficult.

In the meantime the news about the concentration of Austro-German troops on the Serbian and Rumanian frontiers, in view of an aggression against the former, as some people say, or against the latter, as others state, point to a new peril impending upon us, thus stirring a profound agitation of public opinion in Italy in favor of our entering the struggle.

I have done my best to tranquilize the spirits and to moderate the wishes and the hopes and to inspire faith in the diplomatic action, but unfortunately I have become convinced that, while in Italy I am every day taking upon myself more and more grave political responsibilities, abroad no effort will lead to any practical result, and that, in spite of the undenied good will of Prince von Bülow and of the German Government as well, which, I willingly acknowledge, we shall be completely “bernés” (ridiculed) by Austria-Hungary.

SQNNINO.

XVI. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Jan. 29.)

(Telegram.)

Vienna, Jan. 28, 1915.

I have transmitted to Baron Burian the explanation that he had asked for concerning the refusal on the part of the Royal Govern-

ment to accept a discussion on the basis of possible compensations relating to territories possessed by other belligerents. Noticing the expression "offer of territories" in the telegram of your Excellency, Baron Burian has told me that on the basis of Article VII. of the treaty the compensations should not be offered by the contracting party which should have obtained some advantages, but that it was the duty of the other contracting party to formulate its requests. So that Austria-Hungary should not offer to Italy the compensations which were due her, but, on the contrary, it was Italy who was under obligation to let Austria-Hungary know what her requests were.

First of all, I have called the attention of Baron Burian to the fact that it did not seem to me that with that expression your Excellency intended to refer to the seventh article, which, at any rate, dealt with a preventive agreement which should have taken place between the two contracting parties and should have been based upon the principle of reciprocal compensation. And I have added that the Royal Government had already communicated to the Imperial and Royal Government its requests about the compensations. After having admitted that from the study of the seventh article he had gotten the conviction that the observation that I had made in the previous conversation was exact, that is, that the compensations should not be sought in the region of the Balkans, Baron Burian observed that the question of the compensations had been brought by us upon a very delicate ground, which was creating grave difficulties, which could not but be recognized by ourselves. Therefore he asked why Italy had not sought the compensations to which she was entitled in other territories.

I answered that the Royal Government was bound to take into consideration the national aspirations which were being manifested in Italy, and that, therefore, as I had already told him in my previous talk, the question of the compensations had been brought to those regions toward which the popular sentiment was directed. Baron Burian observed afterward that it would not have been possible to speak of or to determine the compensations to Italy, because Austria-Hungary had not yet made any acquisition nor gotten any advantage, which, however, it was not her intention to secure.

I told him that in order to have the pledges taken by the Imperial and Royal Government toward us fulfilled, it was necessary to reach in time an agreement about the way in which to fulfill them, since events could oblige us to confront accomplished facts. To this effect I reminded him that on the basis of the seventh article the accord should have been preventive, and not contemporary or consecutive to the facts that would have originated it.

Seeing that Baron Burian continued to express himself with me, just as he had done in the preceding conversations, in a general and vague way, replying with preliminaries and with objections based upon principles, without entering into the core of the question of the compensations, I deemed it my duty to tell him that it was necessary that he let me know in an explicit way whether he accepted that the said question be brought on the ground of the cession of territories belonging to the monarchy, since it was not opportune that our conversations lag without leading to any practical and positive result before events became mature.

Baron Burian repeated that the question of the compensations as it had been formulated by us was of extreme gravity because with

it the Imperial and Royal Government was asked to part with a portion of the monarchy. He was then discussing it in his own "for intérieur" ("innermost consciousness") and it formed the object of his most serious reflections in order to try to solve it. So far, however, he had not found any means of settling it, and he was struggling against the external and especially the internal difficulties that the solution of the question created. The latter must be examined not only by him but also by the various responsible factors of Austria and Hungary, since it interested both parts of the monarchy. He added that he admitted the principle of compensation to which we are entitled on the basis of the seventh article of the Treaty of the Triple Alliance. Moreover, he accepted in principle our request of compensations, and he was ready to examine it and to discuss it, but he was not yet in a position to declare to me that he agreed with us that the question of the compensations be brought on the ground of the cession of territories at present belonging to the monarchy. It was necessary that the Royal Government become convinced of the greatness of the sacrifice that Austria-Hungary would be obliged to make.

He added that our request needed a serious examination of conscience on account of the grave consequences that could be produced in Austria-Hungary from the internal and the external political point of view, which should be avoided at any cost. So that it was necessary to leave to him and to the competent Austrian and Hungarian factors time necessary to reflect and decide.

Certainly he did not want to augment the embarrassments of the Royal Government, but the latter should understand the ones which the Imperial and Royal Government confronted, and should not have augmented them in its turn. To this end Baron Burian informed me that during the conversations had with the Chancellor of the Empire and with Messrs. von Jagow and Zimmermann, he had shown to them the serious difficulties that the question of the compensations caused on account of the delicate ground on which it had been placed by Italy, hence the necessity for the Imperial and Royal Government to study it very seriously before settling it. The German Government had been completely convinced about those difficulties and had promised him to explain them to the Royal Government, recommending the moderation and prudence which had been recommended to him also.

Finally Baron Burian made me know that the German Government had decided to do its best so that an agreement be reached about this question, between Austria-Hungary and Italy, which it did not despair of reaching. Germany and Austria-Hungary formed now and henceforth nothing else but a single person, and wished that the alliance with Italy could continue even in the future, which was one of his ardent desires.

But the two Austrian and Hungarian Governments just now seem to be hesitating to accept our aspirations, as the language itself of Baron Burian would show, and this on account of the consequences that the cessions of territories belonging to Austria might have for the whole monarchy.

AVARNA.

**XVII. The Minister of Foreign Affairs to the Royal Ambassador
at Berlin**

(Telegram.)

Rome, Feb. 2, 1915.

Prince von Bülow, at the weekly reception yesterday, asked me whether there was any news about Baron Burian and his conversations with Duke Avarna.

I read to him the greater part of the last telegram from Duke Avarna. I told him that all this is very discouraging for one who desired an accord, since Baron Burian, after having gotten into power, if not exactly on account of this question, at least with a full knowledge of it, and after having visited the German Headquarters and having talked over this question with Emperor William and the German Government, today has nothing else to tell us except that he needs more time to examine it calmly.

Answering Prince von Bülow's questions, I repeated to him that I will present our requests only when we know whether Austria-Hungary accepts as a ground of discussion negotiation concerning the cession of territories now possessed by the monarchy—and that up to that day I will not precisely indicate or exclude anything, neither regarding the Trentino, nor regarding Trieste, nor Istria, nor anything else; and that I begged him to recommend to all to be quick in reaching a decision, because the more one dallies, the more difficult the thing becomes, and the more will the exigencies augment.

SONNINO.

**XVIII. The Minister of Foreign Affairs to the Royal Ambassador
at Vienna**

(Telegram.)

Rome, Feb. 4, 1915.

Baron Macchio, having come to see me for other matters, I directed our discussion to the conversation which took place between your Excellency and Baron Burian after the return of the latter from Berlin—a conversation from which it appeared that everything remains still uncertain and nebulous—regarding the question of the compensations of which Article VII. of the Triple Alliance treats. And from this I took occasion to repeat what I told Prince von Bülow (my telegram of Feb. 2), which is that to the remark made to us that we did not state definitely our requests, we were obliged to answer that as long as it was not clear that the Austro-Hungarian Government would accept as ground for discussion the eventual cession of territories at present possessed by the monarchy, it was impossible for us to definitely state anything; but we would do it as soon as that ground were accepted.

SONNINO.

**XIX. The Minister of Foreign Affairs to the Royal Ambassador
at Vienna**

(Telegram.)

Rome, Feb. 7, 1915.

As may be gathered from your Excellency's telegram dated Jan. 28th last, your Excellency pointed out to Baron Burian that it was desirable

that the Italo-Austrian conversations regarding the compensations of which Article VII. of the Treaty of the Triple Alliance treats should not lag too much without leading to a practical and positive result before events should mature.

Therefore I am surprised that ten days have elapsed without having received neither from Baron Burian nor from your Excellency any new word about that matter.

I beg you again to talk over this question with Baron Burian, pointing out the urgency and the necessity of soon having an answer on the question of principle relative to the territories now possessed by Austro-Hungary on which we have asked that the discussion be brought.

SONNINO.

XX. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 10.)

(Telegram.)

Vienna, Feb. 9, 1915.

In reminding Baron Burian of what I told him in the conversation of Jan. 28th last, I have expressed myself to him according to your Excellency's instructions. Baron Burian repeated to me what he had told me in the last conversation and that is that the question was within the jurisdiction of the two Governments of the monarchy; in the first place, of the Austrian, directly interested; and in the second place of the Hungarian. In order to cover his own responsibility he had to come therefore to an agreement between the two aforesaid Governments. He had already begun to exchange ideas regarding that question with the Austrian Government. The President of the Ministers' Council, Count Stürgck, had made him understand that he was not favorable to our requests and that he did not find justifiable the reasons put forward by us in asking the cession of territories belonging to Austria-Hungary; Count Stürgck had shown himself very irreconcilable on the question, but had declared that he would submit it to the Council of Ministers in order that our requests might be examined and discussed. As to the Hungarian Government, Baron Burian told me that during the sojourn of Count Tisza at Vienna he had not, owing to lack of time, been able to give him more than a slight hint of our requests, to which the latter had given little encouragement. Baron Burian promised, however, to betake himself to Budapest one of these days, to present himself to the Hungarian Government, and to discuss the question calmly and at length with Count Tisza, and he would then let me know the latter's dispositions regarding the same. I called Baron Burian's attention to the fact that it was necessary to hurry with a solution of the question of principle because a further postponement might cause new difficulties to arise owing to the nearness of the opening of the Chamber of Deputies. This postponement was certainly not very encouraging for one who desired to reach an agreement. It could not but give rise to uncertainties as to the dispositions of the Imperial Government and it would create, by reason of the agitations and demonstrations that it might cause, a very difficult situation for the Royal Government, which would have nothing concrete and positive

to put forth to satisfy the national aspirations. It was therefore necessary that the Imperial and Royal Government put an end to such uncertainty, letting us know at the very earliest, and frankly, its answer, in order that we might thus initiate the exchanges of ideas concerning this question.

Baron Burian answered me that he was laboring and that he would continue to labor actively to examine and discuss the question with both Governments, but he observed that an unusual strength of persuasion was necessary in order to convince him to enter into the line of ideas of the Royal Government. He pointed out afterward that the acceptance of the discussion of the question as it had been presented by the Royal Government was not as easy as it was thought since it would have implied in his opinion an obligation toward us on the part of the Imperial and Royal Government to listen to our proposals. And he concluded by saying that he was not yet in a position to listen to them, since they were yet in "pourparler" ("introductory conference") with the Austrian and Hungarian Governments.

Baron Burian told me then that he desired to shift the ground of our conversations. Remembering the logical and political reasons dealt with in your Excellency's telegram of Jan. 7, he remarked that he agreed fully with what your Excellency stated regarding the political reasons, that is, to create between Austria-Hungary and Italy a situation calculated to eliminate the constant frictions and misunderstandings between the two countries and to establish reciprocal relations on a basis of sympathy and cordiality. And he added that he was a strong supporter of the Triple Alliance. Referring then to Article VII. of the Treaty of the Triple Alliance, he pointed out that after a new and close examination of the text of that article and of various documents referring to our temporary occupation of Valona and of the Dodekanese (Aegean Islands) he had reached the conviction that this occupation imposed upon Italy the obligation of a preventive agreement with Austria-Hungary based on the principle of compensation.

Regarding this, I deemed it advisable to remind Baron Burian what I had already let him know in the conversation of Jan. 17, that it did not seem to me that for the occupation above mentioned Article VII. could be invoked. The occupation of Valona had been caused by the general state of disorder which reigned in Albania, and was intended to protect the deliberations of the Conference of London, Italy being the only power which was not involved in the war. The efforts of the Royal Government, however, were directed to conserve in this moment as much as possible the statu quo in Albania awaiting the deliberations which would be taken regarding it by Europe at the end of the war.

As to the occupation of the Dodekanese, it was well known how it had taken place. If the Royal Government had not been able to evacuate those islands this was the consequence of Turkey's not having fulfilled her obligations resulting from the Treaty of Lausanne, which she had violated by there being still in Libya a number of officers and soldiers belonging to the Ottoman Army.

On my observation then that those islands, as far as I remembered, were, after all, in the Mediterranean, Baron Burian pointed out that eight of them were in the Aegean Sea, and were thus within the letter of Article VII. And, he added that my objections did not weaken the fundamentals of his statement, which was fully justified under the

stipulations of Article VII., which gave to the Imperial and Royal Government for the above-mentioned occupations a clear and absolute right to a preventive agreement based on the principle of compensation. However, Article VII. made no distinctions nor restrictions whatever between temporary occupation and permanent occupation. Its text was explicit and left no doubt that our occupation fell under its definition. He added that our occupation of Valona had been intensified by the sending of other troops and by the provisions taken by our authorities which had established themselves there. Passing on to speak of the discussion which had taken place with Count Berchtold regarding distinctions between temporary and momentary occupation, Baron Burian told me that whatever occupation were made by the Imperial and Royal Government in Serbia, following a military operation on the part of Austro-Hungarian troops, it gave us the right to speak of compensations in conformity with Article VII.

I replied to Baron Burian that with this declaration, of which I took good note, he had abandoned the point sustained by Count Berchtold, who made a distinction between temporary and momentary occupation, and thus tended to acknowledge that the interpretation given by us to Article VII. was exact. Baron Burian concluded by telling me that he had deemed it advisable to present, in the face of our requests for compensations, the two above-mentioned counter-propositions for compensations, which surely did not intend to impede the discussion of those presented by us. But it had appeared opportune to him to pick out this moment to formulate them, in order to get rid of every unsolved question between us, to clear away the ground of all that might cause in the future any occasion for friction. He added that he would insist on this point especially, and he warned me, therefore, that these counter-propositions of his should not be interpreted as being inspired by ill-will or a sentiment little friendly toward us.

As your Excellency may have noticed, Baron Burian not even today has been in a position to answer in an exhaustive manner our proposals, barricading himself behind the difficulty of inducing the Austrian and the Hungarian Governments to accept the said requests.

AVARNA.

XXI. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 13)

(Telegram.)

Vienna, Feb. 12, 1915.

Referring to the conversation had with me on the 9th inst., Baron Burian has just sent me a memorandum regarding the reasons upon which are based the counter-propositions of Austria-Hungary.

MEMORANDUM (Original in French.)

At the start of the conversations, which for some time have been in progress between Austria-Hungary and Italy on the subject of compensations which Italy might ask on the basis of Article VII. of the Treaty of Alliance, in the eventuality of territorial or other advantages accruing to Austria-Hungary from her action against Serbia and Montenegro, the Italian

Government has evolved the idea that the political reasons which militated in favor of a discussion of this kind were to create entire good faith between the two States, to eliminate continuous frictions, and to render possible co-operation between them toward ends of general politics. Sincerely animated by the same dispositions, the Austro-Hungarian Government recognizes equally the utility of now clearing the ground of every element which might impede the development of relations to a future entirely full of cordiality between our two States. In this order of ideas it believes it necessary, first of all, to endeavor to reach an agreement on all questions which concern our reciprocal rights resulting from Article VII. of our Treaty of Alliance, and namely on two questions, of which one goes back several years, while the other has risen more recently, and affect our interests very deeply.

The question is about the islands of the Aegean Sea, occupied by Italy, and about the action of Italy in Albania. As to the first of these questions it would be superfluous to recapitulate here the different phases, very present in our minds, of the "pourparlers" which in 1911 and in 1912 have taken place on this subject between Vienna and Rome, and which must be recorded in the archives of the Consulta. It will suffice to state the following points:

1. In spite of the evident danger that the modification of the statu quo introduced by the occupation on the part of Italy of the islands of the Dodekanese would sooner or later cause a repercussion in the Balkan Peninsula, Austria-Hungary, desirous of not checking in any fashion the military operations of her ally, did not formally make any opposition.

2. Nevertheless, the Austro-Hungarian Government referred itself, at the time of the occurrence, to Article VII. of the Treaty of Alliance, and frequently declared to the Italian Government (on the 6th, 7th and 14th November, 1911, the 13th, 15th and 20th April, 1912, the 20th, 21st, and 31st May, 1912, and the 5th June, 1912) that, from the fact of these occupations, declared temporary, the right of Austria-Hungary to a preventive accord based on the principle of compensation, formulated in the said article, became an actuality, and that we reserved the privilege to avail ourselves of this right at an opportune time. As for the duration, which however is irrelevant, constituting the available title to compensation for this occupation, Italy frequently assured the Austro-Hungarian Government, and in the most categorical fashion, that these occupations were only temporary, and that they would end after the cessation of hostilities between Italy and Turkey. There has even been discussed a written declaration which the Italian Government would deliver to this effect to the Austro-Hungarian Government, without, however, reaching an agreement on the wording of this declaration. Nevertheless, the Austro-Hungarian Government wishes to reproduce here the following text of this declaration as it has been proposed by the Italian Government:

"It is understood that in the mind of the Italian Government the occupation made up to this day, or which could be

made later, of the islands of the Aegean Sea, the Archipelago, has a temporary character, and that the said islands will be returned to Turkey after the cessation of hostilities between Italy and Turkey, and therefore, after the evacuation from Tripolitania and from Cyrenaica of the force of Ottoman troops and officers, and as soon as the conditions indicated in the Italian note of March 15, 1912, to the great powers shall be realized. It is equally understood that the present declaration which results from the dispositions of the article of the Treaty of Alliance will be considered by the Austro-Hungarian Government as well as by the Italian Government as strictly secret and confidential, because otherwise it would not attain the common end of both powers, which is to hasten and facilitate peace."

It results from this text, on the one hand, that the conditions to which the Italian Government had subordinated the evacuation of the Dodekanese no longer actually exist, and, although almost three years have elapsed, Italy has not restored those islands to Turkey. On the other hand, the text in question proves that Italy recognized the correlation which exists between this occupation and Article VII. of the Treaty of Alliance. It thus seems to be evident that if the Government is willing to discuss, at present, the compensations to which the article in question would give it right in the case of a future Austro-Hungarian occupation, and in this instance uncertain, the Austro-Hungarian Government can ask in its turn with stronger reasons the discussion of compensations which are already due it through the fact of the prolonged occupation of the Dodekanese on the part of Italy.

Passing to the question of the action of Italy in Albania, the Austro-Hungarian Government deems it necessary to state that it has only received two communications from the Italian Government on this subject. Oct. 23 last the Duke Avarna informed Count Berchtold that, in view of the famine which had broken out among the refugees at Valona and the anarchy which reigned there, Italy had been drawn into taking measures for the sending of a small sanitary policing mission for "policing operations and humanitarian measures, necessary to the refugees, without giving to these operations the character of a military expedition constituting an occupation—in the very sense of the word—of the city of Valona."

The Duke Avarna was charged to add that Italy, conforming to the declarations which she had made at the beginning of the present war, would continue to remain faithful to the existing Italian-Austro-Hungarian accord in force concerning Albania and Epirus and to maintain the decisions of London, notably those which concerned the neutrality and the frontiers of Albania.

The Austro-Hungarian Government has taken notice of this communication. On Dec. 26th last, the Duke Avarna informed Count Berchtold that, in order to put an end to the local anarchy, the Italian Government was compelled to disembark at Valona a detachment of marines. It would be a temporary measure purely and would not extend beyond the City of

Valona. The foregoing declarations were renewed on this occasion. Count Berchtold contented himself with simply taking notice of this communication. Now, since then the action of Italy in Albania has little by little been changed and, above all, intensified. The disembarking of a detachment of Italian marines at Valona has been followed by the sending of Italian infantry and artillery and a considerable quantity of war material. The City of Valona, as well as Kanina and Svernez, have been occupied in a military manner.

The number of Italian men-of-war to be found in the Albanian waters has constantly augmented. When it was feared that the enemies of Essad Pasha would invade Durazzo, one of these men-of-war fired several cannon shots at the besiegers. Last year, and in a situation far graver, the Italian Government had believed it its duty to refrain from doing this very thing conjointly with the Austro-Hungarian Government. Beyond this military action Italy also took possession of the civil administration of Valona, where the prefecture, the financial administration, the police, the gendarmerie, and the municipality found themselves under the control of officials of the Italian Government, some of whom were invested with the title of Royal Commissioners. An analogous measure has just been applied to the Custom House of Valona. Another disposition of the Italian Government requires that all persons going to Valona shall be provided with passports bearing the Italian vise. Although all these measures are hardly, according to our manner of viewing them, in harmony with the terms and with the spirit of the declaration reiterated by the Italian Government, the Austro-Hungarian Government abstains, for the moment, from all complaints, but it finds itself under the necessity of pointing out that the Italian action falls indisputably under the definition of a temporary occupation, according to our mutual interpretation of Article VII., and gives us, just as well as the occupation of the Dodekanese, from this moment, a right to compensation.

The case in which the Italian occupation of Valona would cease to be completely temporary is not in sight, but it goes without saying that this latter alternative, being incompatible with the Italo-Austro-Hungarian agreement concerning Albania, and bringing about a modification of the equilibrium of the Adriatic, so often invoked by the Italian Government, would thus give the Austro-Hungarian Government an additional right to adequate compensations.

Summing up what precedes, the Austro-Hungarian Government is of the mind that the conversations so happily engaged then between Austria-Hungary and Italy on the subject of compensations may be continued still more usefully, if they might also bear upon the question of compensations to be given to Austria-Hungary for the Italian occupation of the Dodekanese and for the Italian occupation, were it only temporary, of Valona.

AVARNA.

XXII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, February 12, 1915, 4:20 A. M.

As to the temporary occupation of the Dodekanese and Valona, which, according to Baron Burian, imposed upon Italy the obligation of a preventive agreement with Austria-Hungary, based upon the principle of compensation, I must point out what follows:

(I.) Islands of the Dodekanese.—With the telegram of May 20, 1912, your Excellency was informed that the islands already occupied by the Italian troops were as follows: Stampalia, Rhodes, Casos, Scarpan-tos and Calchis, and that Simis, Piscopis, Niseros, Calimnos, Leros, Lipso and Patmos would soon be occupied.

With the Council telegram of May 21, 1912, your Excellency was informed that the occupation of Cos was soon to take place.

With the Council telegram of May 23d your Excellency was informed that you made the above communication to Berchtold. Count Berchtold answered "that such a decision was in opposition not only to the declarations made to us previously, but also to the pledges that we had assumed with Article VII. of the Treaty of Alliance," and that "he would have had the right to ask, on the ground of the foregoing article, compensations for those occupations. In view, however, of the considerations presented to him, and in order to demonstrate his goodwill and his sincere desire not for the moment to put, as far as possible, obstacles in the way of our freedom of action, Count Berchtold would not raise objections to the above-mentioned occupations, and *"would not avail himself in this instance of the right of compensation which was due him."* He had, however, to declare in a formal manner that if we proceeded to a further occupation of islands in the Aegean, he would not be in a position to consent to it, because of the grave consequences which could result, and in leaving us the full responsibility of these eventual occupations, he would reserve to himself the right to the compensations of which he could avail himself, if necessary."

From what precedes, we can see that Count Berchtold declared to your Excellency his renunciation of making use of the clause of compensations as regards Rhodes and the Dodekanese. With that the question of ascertaining whether and how many of the islands occupied by Italy are a part of the Mediterranean Sea, and whether and how many form a part of the Aegean Sea in relation to the wording of Article VII., which contemplates only the Aegean Sea, remains implicitly solved.

On the other hand, following exactly the opposition of Austria, and following the aforesaid declaration that "further occupations" would make the clause concerning compensations active, the Royal Government took the grave decision of abstaining from the occupation of Chios and Mitylene, while from the notices received and from the investigations made it resulted that precisely the occupation of Chios and Mitylene would have given our enemy the blow necessary to end his resistance and calculated to force him into negotiations of peace in order to put an end to the war.

Thus has Italy respected the obligations sanctioned in Article VII., and it is from this very thing that the grave damage of prolonging the war sprang.

The occupation of Rhodes and of the Dodekanese was prolonged for two sets of reasons:

1. The evacuation of the islands is subordinated to the fulfillment on the part of Turkey of the clauses of the Treaty of Lausanne, while so far Turkey has not fulfilled this obligation. Nor has Turkey, up to the present day, entirely complied with the obligation, that she has acknowledged, to compensate Italy through concessions in Asia Minor in return for the expenses sustained following the prolonged Italian military occupation of the islands.

2. With the occupation of the islands Italy has rendered a signal service to Turkey since the islands themselves would have been inevitably conquered by Greece, like Chios, Mitylene, and other islands, now in the possession of Greece. And we have learned that Turkey was very anxious to see the Italian occupation continue; nor has she ever been solicitous about our evacuation, since she well understood that, in the present uncertain political situation and in face of the precariousness of the Graeco-Turkish relations, the islands, if they were restored to Turkey, militarily incapable of defending them, would run a grave peril. The occupation of the islands during the Balkan wars and during the present European conflict, in which Turkey is a participant, has constituted and is continuing to constitute, therefore, a service rendered by Italy to the ally of Austria-Hungary.

(II.) Occupation of Valona.—The Italian occupation of Valona finds its origin and its base in the present situation, in which, on account of the European conflict, the signatory powers of the Conference of London have found themselves. In that conference Albania was created and her frontiers regarding the adjacent Balkan States were determined.

The Italian Government, from the beginning of the present war, has maintained that the deliberations of London for Albania should remain valid and obligatory.

Only Italy, as a neutral power, was in a position to provide for the safeguarding of the deliberations of London, and this explains and justifies how objections came to us from nowhere when we occupied Sasseno and Valona, in a provisional manner, with the view of preserving those important Albanian localities from events which might have had a grave international reaction. It is well known, indeed, that Valona found itself under imminent threat of disorders as a result of the opposing ambitions of the Gheghi and of the Epiroti. The Epiroti were repudiated by the Government of Athens, but no one can delude himself about the consequences which would have resulted from an Epirotan occupation of Valona.

If for Valona it was indispensable to proceed to a provisional military occupation, for the rest of Albania the diplomatic action was enough to put a check on the ambitions of the surrounding Balkan States. The insistent moves made to the Governments of Belgrade, of Athens, and of Cettinge have had the fortunate result of so far preventing those Governments from incursions and military operations. It is thus, thanks to the firm attitude of the Italian Government, that Albania, which was created by the Conference of London, was not made to suffer damages as to her existence and to her Constitution.

After having answered thus to "counter-proposals" formulated by Baron Burian, which, as I have shown, have no reasons for being in the present negotiations, I make the following remarks:

Two months have passed and more since we placed before the Austro-Hungarian Government the question of Article VII. of the Treaty of Alliance, inviting it to a friendly discussion concerning compensations to be given to Italy for the disturbance provoked by the former, in the equilibrium of the Balkans.

In spite of the fact that they have never given a definite refusal to treat with us, weeks and months are passing, and we have never succeeded in getting even an answer on the first question of principles, that is whether that Imperial and Royal Government would be disposed to accept the discussion on the ground of the cession of territories now occupied by Austria-Hungary.

Instead, while from one side new questions and arguments for debate are proposed, which have the manifest end of eluding every discussion on the proposition put forth by us, and of dragging things out, from the other side new military expeditions in the Balkans are being prepared.

In the face of such an attitude persistently dilatory toward us, it is no longer possible now to nourish any illusion about the practical issue of the negotiations. Therefore the Royal Government finds itself constrained, for the protection of its own dignity, to withdraw every one of its proposals or initiatives for discussion, and to intrench itself in the simple interpretation of Article VII., declaring that it considers as openly contrary to the very article whatever military action Austria-Hungary would make from now on in the Balkans, be it against Serbia, against Montenegro or others, without there being the preliminary agreement asked for in Article VII.

I have no need to point out that if the Austro-Hungarian Government should manifest in deeds that it did not hold in due consideration this declaration and the interpretation of Article VII., this might bring about grave consequences, from which this Royal Government declines henceforth to shoulder any responsibility.

To this end it is well to remember the intimations made on various occasions by the Austro-Hungarian Government to Italy during the Libyan war.

Count Aehrenthal declared on Nov. 5, 1911, to your Excellency, that "any action of ours on the Ottoman coasts of European Turkey, as well as on the islands of the Aegean Sea, could be permitted neither by Austria-Hungary nor by Germany, being contrary to the Treaty of Alliance." (Your Excellency's telegram of Nov. 5, 1911.)

And the 7th of November of the same year your Excellency telegraphed: "Aehrenthal considers the bombardments of the ports of Turkey in Europe, such as Saloniki, Kavala, &c., as contrary to Article VII."

In 1912 our squadron, finding itself at the entrance to the Dardanelles, and having been bombarded by the forts of Kum Kalessi, answered, damaging the same forts. Count Berchtold complained of the occurrence and added that "if the Government desired to reassume its liberty of action, the Imperial and Royal Government *might do the same*." Thus he could not admit that we should in the future, perform operations similar to those just accomplished, or any action whatever contrary to the point of view manifested in previous conversations. If an operation of that kind were carried out by us "*it might entail grave consequences*."

Your Excellency will be so kind as to communicate all of the foregoing to the Austro-Hungarian Government. SONNINO.

XXIII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 15.)

(Telegram.)

Vienna, Feb. 14, 1915.

I have communicated to Baron Burian what your Excellency ordered.

Baron Burian told me that he did not know at all that Count Berchtold had declined to avail himself of the clause of compensations as far as the new occupations of Rhodes and of the Dodekanese were concerned. Having then shown, to confirm the affirmation contained in the telegram of your Excellency, the letter sent to me May 22, 1912, from Count Berchtold, in which he expressed himself in the same terms literally reproduced by me, Baron Burian pointed out that such a renunciation would not only be contrary to the opinion which they held at the Imperial and Royal Ministry regarding Article VII., but also to the definition of the same article, and that no document existed at the Ball Platz (Vienna Foreign Office) in which it was stated that the right to compensations had been abandoned. He added that in his opinion the expression used by Count Berchtold "that he would not have availed himself in this instance of the right of compensation which was due him" ought to be interpreted in the sense that he did not intend to avail himself of the right of compensation at the moment in which the occupation of the islands had occurred, or at the moment in which he spoke to me of them, for the considerations which he had expressed to me, but that he reserved to avail himself of that right at an opportune moment. I objected to such an interpretation, pointing out that if such had been the thought of Count Berchtold, he would not have failed to add that he reserved the right to avail himself of compensation on another occasion, and that on the contrary the expression used by Count Berchtold could have no other signification than that which we gave it, as was proved clearly by the following phrase, in which he, speaking of our further occupation of islands in the Aegean Sea, had reserved to himself the right of compensation in order that he might avail himself of it as occasion presented.

Coming then to speak of the decision taken by the Royal Government to withdraw every one of its proposals or initiatives of discussion, and to intrench itself in the simple disposition of Article VII., Baron Burian pointed out that the first question of principle concerning which your Excellency complained for not having yet received an answer summarized in itself the whole of this question. He had accepted the idea of entering into discussion with the Royal Government in order to arrive at an agreement, being animated in such a proposition by the best motives. And he intended to go himself, day after tomorrow, to Budapest to talk over the question with Count Tisza. The Royal Government, however, should admit that it had put the question upon an extremely thorny ground and could not certainly ask that the

Imperial and Royal Government should proceed to an immediate discussion of a question which would bind the interests of the monarchy.

Baron Burian told me that he had taken notice of the communication made by me in the name of your Excellency. Since, however, the Imperial and Royal Government had never wished to depart from the dispositions of Article VII. of the Treaty of the Triple Alliance, so it would not fail, in the eventual continuation of its campaign against Serbia, to keep in mind the stipulations of that article.

I thought to draw the attention of Baron Burian to the fact that this article imposed upon the Imperial and Royal Government, before initiating any military operation whatever, the obligation of proceeding to a preliminary agreement and not at all contemporaneous and consecutive to that operation.

AVARNA.

XXIV. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Feb. 17, 1915.

From the answer given by Baron Burian to the communication made by your Excellency with reference to the warning against any Austro-Hungarian military action in the Balkans without previous agreement with this Royal Government, the intention of having such military action precede any discussion for compensations, as per Article VII., is clearly evident. I approve your Excellency's reply. I recommend you to take advantage of the very first opportunity to repeat clearly to Baron Burian that, in order to avoid tedious and dangerous misunderstandings, the manifest interpretation of Article VII. requires that the agreement precede the action, unless consent be given by the other contracting party to proceed in a different manner. In the present circumstances the Royal Government cannot give such a consent, therefore our communication to the Imperial and Royal Government has the precise significance of a veto from us on any military action of the Austro-Hungarian Government in the Balkans until agreement as to compensations has been previously accomplished as per Article VII. It is essential to make clear that any different procedure on the part of that Government (Austria) may be interpreted by us from now on only as an open violation of the stipulations of the treaty and as a manifest sign on the part of the Austro-Hungarian Government to reclaim its liberty of action, in which case we should feel fully justified in regaining our full liberty of action to safeguard our interests.

SONNINO.

XXV. The Minister of Foreign Affairs to the Royal Ambassador at Berlin

(Telegram.)

Rome, Feb. 10, 1915.

During the interview had with Prince von Bülow the day before yesterday I informed him of the communications made by the Duke of Avarna to Baron Burian, relative to the withdrawing on our part of every discussion regarding compensations as per Article VII. of

the Triple Alliance Treaty and of our warning against any Austro-Hungarian action in the Balkans whenever there is no previous agreement with us. He, after having considered the statements made, asked me, in a confidential tone, if, speaking among ourselves outside of any official bearing, I personally believed that, in case Austria-Hungary was obstinate and refused to make concessions in the Trentino, there would not be some other territory, Albania or elsewhere, upon which could be brought the discussion of compensations to give to Italy, thereby avoiding the terrible disaster of a war between the two countries.

I replied that I had always spoken with full sincerity and was more than ready to express, outside of official bearing, my inmost and profound conviction and that I did not want to enter into the discussion of the extent of the concessions which could be sufficient to assure our neutrality and at the same time satisfy, in some measure, our national aspirations, because as far as concerned the amount of compensations there could be doubts or differences of opinion; but outside of this basis of concessions, there could not be any negotiations. That was not a question of avidity of conquest or of extravagant ambitions, but of the most sensitive note of the popular sentiment and of the national feeling.

The Savoy Monarchy, as I had already hinted at other times, is deeply rooted in the personification of the national ideals, and this root is so strong that it has been able to resist and win in the long contest with the Papacy and the expanding and overflowing of socialism during its most revolutionary period. Therefore, outside of concessions that would satisfy, at least in some measure, the national sentiment there is no foundation for discussion.

I further stated that all this did not depend on the desire or caprice of one or another Ministry, that the wave of public opinion would pass over any other question, would wipe out any other force and "übereumpelt" (overcome) whatever obstacle and that neither subtle arguments nor dark predictions and exaggeration of danger could restrain public opinion in this case.

That at Vienna they either did not want or did not know how to convince themselves of this situation and considered the entire proceeding as a bluff on our part or as a fantastic dream of Prince von Bülow is obvious.

The responsibility of the Italian statesmen under the circumstances was enormous, and I felt that I had conscientiously done my utmost to restrain the feelings and to moderate the aspirations on the one side and at the same time endeavored to present the situation in its crude reality both at Vienna and at Berlin.

SONNINO.

XXVI. The Minister of Foreign Affairs to the Royal Ambassador at Berlin

(Telegram.)

Rome, Feb. 21, 1915.

I saw Prince von Bülow yesterday. He having expressed some doubts as to whether Baron Burián obtained a different impression of the communications addressed to him in the name of this Royal Government by the Duke of Avarna from what he (Prince von Bülow)

had received during our conversation, I repeated the full substance of the communications to Vienna, formulating them textually as follows:

(Original in French.)

The Italian Government has declared from the very beginning that they could not admit the usefulness of any discussion relative to compensations, as per Article VII., which did not refer to cession of territory at present belonging to Austria-Hungary, because such discussion would not in any way satisfy the Italian national sentiment, and consequently an agreement could never be reached.

So far, the two Governments have rather vaguely discussed the past and probable future happenings of the Balkans.

Intrenching themselves within Article VII., as per the last communication made by the Duke Avarna to Baron Burian, and withdrawing the proposals already made for discussion, the Italian Government has decided to establish clearly what follows:

"The Italian Government does not admit, from now on, any Austro-Hungarian military action in the Balkans unless a previous agreement has been formulated as to compensations, in accordance with the text and provision of Article VII.; agreement which is now useless to hope of reaching on any other basis than that of the cession of territory at present belonging to Austria-Hungary. If the Austro-Hungarian Government did not take due account of the fact of this declaration by the Italian Government, it is evident proof that Austria-Hungary has reassumed her freedom of action in regard to the arrangements contained in the treaty, which would justify the Italian Government in also regaining full liberty of action."

SONNINO.

XXVII. Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 23.)

(Telegram.)

Vienna, Feb. 22, 1915.

I have made known to Baron Burian what your Excellency has telegraphed me, and in keeping myself strictly to your instructions I endeavored to make clear to him, several times, all the various points. Baron Burian answered that he would, in the first place, reply to the interpretation given by your Excellency to Article VII., in accordance to which the agreement therein contemplated, relative to the eventual compensations, should be not only initiated, but fully concluded, before beginning military operations by Austria-Hungary in the Balkans.

Regarding this he stated that the conclusion of the "previous agreement" depended upon ourselves, who were in a position to prolong the discussion while Austria-Hungary would be exposed during this time to every attack on the part of Serbia without being able to retort. On the other hand, Italy's compensations ought only to be equal to the advantages gained by Austria-Hungary.

And before determining compensations it would be only right to determine and weigh the advantages. These two reasons showed, from his point of view, the impossibility of concluding the agreement before undertaking any Austro-Hungarian military action in the Balkans. I called the attention of Baron Burian to the fact that the expression "previous agreement" clearly proved that the said agreement should be not only initiated, but concluded, before beginning any military action whatsoever. In fact, the word "agreement" means a final consent on a determined fact, and that this meaning required still more force from the preceding word "previous." If the negotiators of the treaty had not intended to give such significance to the expression "previous agreement" the condition to which any modification of the statu quo was subordinated by Article VII. would have no value.

Else if the "previous agreement" were not carried out, what guarantee would the other contracting party have that the agreement, once initiated, would be definitely executed during military operations?

Divergencies of views might have rendered impossible its conclusion; therefore the provision foreseen in Article VII. would not be put into effect, and the other contracting party risked remaining without compensations.

Baron Burian replied that although he found just my remarks, still he could not accept them or consider them as reflecting the spirit and the letter of the treaty because such contention would seriously curtail the freedom of action of one of the contracting parties, which could not certainly be according to the intentions of the negotiators of the treaty. And he could not even admit that failure to conclude the agreement before any military operations constituted a denial of guarantee to the other contracting party. The word of the contracting party pledging to enter into negotiations regarding the "previous agreement" seemed to him a sufficient guarantee. Baron Burian added that Article VII. did not represent, from his standpoint, formal and absolute veto toward any Austro-Hungarian military action in the Balkans, but determined only the necessity and the right to compensations for the advantages that Austria-Hungary might derive from any such military action.

After having referred to the intimations made to us by the Imperial and Royal Government on various occasions during the Italo-Turkish war, I pointed out that the Royal Government had without the least doubt the right to affix similar veto, unless, however, agreement for compensations as foreseen in Article VII. were an actual fact, such agreement not only initiated but brought to conclusion before beginning any military action whatsoever. And in reminding him of my statements that a different procedure on the part of the Royal and Imperial Government might have been interpreted by us as an open violation of the conditions of the treaty, I expressed myself toward him in the terms of your Excellency's instructions. To which Baron Burian replied that, in his opinion, the agreement should indeed be initiated before beginning military operations, but its development was to be in accordance as military operations proceeded.

He acknowledged that we could come to an arrangement on the general basis of the "previous agreement" in this manner, establishing the object of compensations that the Royal Government desired. He declared that he had no intentions of evading the obligations of Article VII., to which he was only too willing to adhere, but he could not

agree in the interpretation of the article as made by your Excellency, namely, that the "previous agreement" should be concluded in all its particulars before any Austro-Hungarian military operations commenced in the Balkans, as this might place the Imperial and Royal Government in an impossible position. He repeated that the prolonging of the pourparlers independently of the wishes of the Royal Government, places Austria-Hungary at the mercy of Serbia, not being allowed to defend herself against any attacks during the period of negotiation.

Baron Burian further spoke of the uselessness of opening any discussions about eventual compensations if they concerned the cession of territory already belonging to Austria-Hungary.

He told me that if the Imperial and Royal Government were to open negotiations for a "previous agreement" with Italy before taking military steps in Serbia he would not have failed to inform, at the proper time, the Royal Government and introduce the pourparlers relative to such an agreement; but he could not bind himself at the present concerning the basis of compensations alluded to by your Excellency.

While pressing him for a frank statement on this point I repeated what I had already made known, namely, that if the Imperial and Royal Government showed by facts that no heed whatever was given to our declaration, the Royal Government would see in this a violation of the Triple Alliance Treaty, resulting in very serious consequences. Baron Burian replied that the matter regarding the basis of compensations did not have a pressing character for the present. He also remarked that if your Excellency had the right of interpreting the Triple Alliance Treaty he had a similar right and that a fleeting difference of opinion in the interpretation could not be considered as a violation of the treaty itself.

Notwithstanding my repeated urgings Baron Burian persisted in his refusal to agree with your Excellency's interpretation of Article VII. of the Treaty of the Triple Alliance regarding due compensations.

On this last point it would be absolutely vain on our part to foster illusions. The Imperial and Royal Government will never consent under the present circumstances to the cession of territories belonging to them.

AVARNA.

XXVIII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, Feb. 25, 1915.

I approve the replies given by your Excellency to the Baron Burian. The text of Article VII. speaks of "previous agreement" on compensations, and not of discussions upon an agreement to be concluded probably later, after one of the contracting parties has completed military operations in the Balkans and already secured the coveted advantages, free afterward to quibble indefinitely with the other contracting party on the matter of compensations.

The word "previous" clearly shows that Article VII. requires, unless otherwise stipulated, by mutual consent of both parties, that the agreement, or, in other words, the agreement determining the quantity and quality of the compensations, be reached before action is begun.

Nothing prevents, in certain cases, when both parties agree, and when the circumstances make it advisable that the agreement should be formulated conditionally and the compensations should be in proportion to future results effectively obtained through military operations to be undertaken. But Article VII. admits that compensations may be due by the mere fact of initiating an action in the Balkans.

It would be contrary to the spirit as well as to the letter of Article VII. and also contrary to the interpretations constantly given in 1911 and 1912 by Austria-Hungary during the Italo-Turkish war, to admit, as Baron Burian now expects, that the article establishes that before compensations are decided effective advantages, derived from any action in the Balkans on the part of one of the contracting parties, must be first procured and valued. In other words, one of the parties could initiate and conclude a war in the Balkans before the other party is entitled even to know positively whether there is theoretical right to a compensation, while in fact it would never be able to obtain any compensation when the operation is finished.

Under these circumstances the Royal Government, intending to eliminate future long discussions on the agreement, which might encroach upon the military action of Austria-Hungary, has now plainly declared, without awaiting the occurrence of such a new enterprise on the part of Austria-Hungary in the Balkans, that whatever future proposals of discussions on compensations not based upon the cession of territory at present belonging to Austria-Hungary never will achieve any practical result. Consequently, in such a case, the agreement, which ought to precede the contemplated action, cannot be reached.

In the manner by us outlined an agreement between the two countries could presumably be reached, and the admission in principle that Austria-Hungary even now should make in this regard, as an eventual basis for discussion, could not help but render easier and more fruitful the transactions and hasten the agreement itself. SONNINO.

XXIX. The Minister of Foreign Affairs to the Royal Ambassador at Berlin

(Telegram.)

Rome, Feb. 25, 1915.

In your telegram of the 21st inst., your Excellency states that the Chancellor Bethmann-Hollweg had declared to you that "from what he had been told by Baron Burian he considered himself authorized to affirm that also in the mind of the Austro-Hungarian Government the agreement in question should be concluded before military operations should be initiated."

The Royal Ambassador at Vienna reports to me a series of arguments brought up by Baron Burian purporting to demonstrate that the Austro-Hungarian Government is not at all of this opinion, "because they cannot agree in the interpretation of Article VII., according to which the previous agreement must be concluded in all its details before starting any Austro-Hungarian military operations in the Balkans." We maintain our interpretation as the only possible one in conformity with that which Mr. Bethmann-Hollweg had affirmed, also accepted by the Austro-Hungarian Government; therefore it ap-

pears convenient to me that your Excellency should bring to the attention of the Government the contradiction above mentioned.

SONNINO.

XXX. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 25, 1915.)

(Telegram.)

Vienna, Feb. 24, 1915.

I feel I must rectify an error which occurred in my preceding telegram, where I stated that Baron Burian had refused to agree on the point of view of your Excellency relative to the interpretation of Article VII. of the Triple Alliance Treaty and also regarding the compensations due us. Whereas, it is correct that Baron Burian refused to adhere to the first point of view, it would not be altogether true to assert the same for the second, because his reply was not negative, but only evasive.

AVARNA.

XXXI. The Royal Ambassador at Berlin to the Minister of Foreign Affairs

(Received Feb. 27.)

(Telegram.)

Berlin, Feb. 26, 1915.

Our interpretation as to the necessity of the "previous agreement" as contemplated by Article VII., namely, that it should be concluded and not only initiated, had been admitted by the Chancellor not implicitly but explicitly and repeatedly.

In fact, to his request, twice repeated to me, as to whether his statement to me regarding the communication of the Duke Avarna to Baron Burian corresponded exactly to the truth, I replied that the only point to make clear was just the one above mentioned, to which he answered consenting to our interpretation, and added that he would consider himself authorized to affirm that also in the opinion of the Austro-Hungarian Government the agreement should have been complete (erfolgt) and executed (vollkommen) before initiating military operations. And Mr. von Jagow, to whom I had referred this, had confirmed the Chancellor's words.

Talking the matter over with Mr. von Jagow this morning, I expressed my surprise at the declarations made by Baron Burian to the Duke Avarna, which were entirely opposite to the already mentioned assurances. Mr. von Jagow, who could not understand how this had happened, thought some misunderstanding had arisen in the interview between the Chancellor and the Baron Burian, to make clear which he would immediately telegraph to Mr. von Tschirsky. In order better to explain the opinion of the Royal Government I read over at once to him the telegram addressed by your Excellency to the Duke Avarna. He took full note of the points in those considerations and told me that he would submit them to careful examination.

BOLLATI.

XXXII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received Feb. 27.)

(Telegram.)

Vienna, Feb. 26, 1915.

I have related to Baron Burian the various considerations made by your Excellency and in explaining myself to him, according to your instructions, I expressed the hope that he would be convinced of the reasonableness of those considerations. Baron Burian told me that the arguments brought by your Excellency to demonstrate that the discussion concerning an understanding to be reached later, when one of the parties will have finished its operations in the Balkans and obtained the desired advantages, might be protracted to infinity about the compensation to be accorded to the other party, might also be brought in case an understanding should be reached before the beginning of any military operation. He has recalled on this point what he had remarked in the conversation of the 22d inst. According to his opinion, if the negotiations for an understanding should be started in time before any military operation, we might be able, if there were good-will on both sides, to establish in a short period the basis of the negotiations. However, in defining the details of the understanding, these might cause delay independently of the desire of both parties. And yet it would not be justified to stop the military operations until an understanding should have been reached. If, therefore, the interpretation given by your Excellency to the seventh article should be admitted, Austria-Hungary would be exposed to having its military operations injured in Serbia, with which it was at war and against which it had to continue to fight. In fact, if Austria-Hungary should not attack Serbia but should be attacked by her, the Imperial and Royal Government would find itself in an impossible situation because it could not defend itself. He considered that the expositions of these observations supported his position, which was that the negotiations ought to begin but not be brought to a conclusion before any operation.

Baron Burian remarked afterward that, without binding himself to the rigorous interpretation given by your Excellency to the seventh article, the idea to which you alluded and that he accepted on principle, might be adopted, that is, that in special circumstances, when the two parties agree to it and the facts in the case warrant it, the understanding might also be formulated in a conditional manner, making compensations proportionate to the results that may in effect be obtained from a military action to be undertaken. He added that the special circumstances for Austria-Hungary consisted in the fact, which he had already mentioned, that she was at war with Serbia and was exposed to the attacks of this power without being able to defend herself if she should conform to the interpretation given by your Excellency to the seventh article—a fact which would put Austria-Hungary in the aforesaid impossible position. And your Excellency could not help agreeing with him as to this. Continuing, Baron Burian observed that if the two parties were animated by good-will, which could not be doubted, the smallest particulars of the understanding could have been in this way established in proportion to the future or the possible results of the action to be undertaken. Previous to a military

action, the advantages to be derived from which could not be known, it certainly was not possible to fix compensations. Besides, accepting the idea of your Excellency, any delay would have been avoided, and it would have prevented that both Austria-Hungary and Italy be "frustrées," (mutually fooled), so that he could not help accepting the idea, because it would have lessened the difficulties that would be met in reaching an understanding in case the foregoing interpretation of your Excellency should be adopted. In stating, therefore, that he was disposed to agree to the idea and to put it into practice, he asked me to request your Excellency to make known to him your opinion on the subject.

Baron Burian afterward informed me that he maintained the point of view already related to me in the conversation of the 22d inst., that is, that before establishing the compensations the advantages to be effectively secured by one of the contracting parties from a determined action in the Balkans should be ascertained. I observed to Baron Burian, as I had already declared to him, that his point of view was contrary not only to the spirit and the letter of the seventh Article, but also to the interpretation given to it by Austria-Hungary in 1912 and 1913.

In reference to what he had said to me in the above reported conversation, Baron Burian stated that the idea advanced by your Excellency, which he believed should be accepted by the two Governments, as it was practical, would have eliminated the divergences of view existing between you and him on this subject. In answering what I had stated that any proposal of discussion about compensations that did not concern the cession of territories actually possessed by Austria-Hungary could not lead to the agreement that should precede the action contemplated, Baron Burian observed that in this regard he had to refer me to what he had said in the conversation of the 22d inst., that he could not now bind himself as to the basis of compensations, such question having not for the moment a pressing character.

Having then repeated to him what your Excellency states in the last part of your telegram, Baron Burian recalled what he had said to me in the conversation of the 22d, that a temporary difference of opinion or of interpretation could not be considered a violation of the treaty.

AVARNA.

**XXXIII. The Minister of Foreign Affairs to the Royal
Ambassador at Vienna**

(Telegram.)

Rome, Feb. 27, 1915.

For the reasons expressed several times in my telegrams it is not possible at the present time to anticipate a discussion on the agreement to be concluded previous to a military action of Austria-Hungary against Serbia and Montenegro, even if there should be discussed such an agreement as would be commensurate in all or in part as to compensations to the advantages that might effectively result from the same action, and this because the Royal Government, for the reasons repeatedly manifested, cannot accept any discussion that does not contemplate as compensations the cession of territories already possessed by Austria-Hungary; on this point it has not been possible during

three months to obtain an answer, even on principle, that is whether the Imperial and Royal Government accepts or not the discussion on this ground; so much so that in order to safeguard its dignity, the Royal Government has felt obliged to withdraw any suggestion concerning such discussion. The special circumstance to which Baron Burian refers for which the eventual agreement should be formulated in a conditional and proportionate manner, that is that Austria-Hungary is presently at war with Serbia, does not seem to me to be applicable to this case as the war was initiated by Austria-Hungary without any previous understanding with Italy, and even contrary to all advice given by her and in opposition to her greatest political interests. At the most, such circumstance might be invoked only for a part of the compensations, namely, the proportional part, but not for all, because the mere fact of the beginning of new military operations in the Balkans would constitute in our eyes a sufficient motive for demanding a minimum of territorial compensations independently of the results which might follow. All this, however, remains subordinated to the initial question of principle, namely the ground on which should be based any discussion for compensations. As long as Austria-Hungary does not clearly manifest her intentions concerning this question of principle, which relates to the nature of the eventual compensations, it is entirely useless to initiate again or to prolong any discussion concerning the amount of the same compensations or about proportioning it in all or in part to the eventual results of the military operations because such discussion would not come to any useful conclusion.

SONNINO.

XXXIV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received March 3.)

(Telegram.)

Vienna, March 3, 1915.

I have spoken to Baron Burian according to the instructions received in your Excellency's telegram.

Baron Burian told me that he was sorry not to be able to accept the opinion of your Excellency that the special circumstances to which he had referred, namely that Austria-Hungary is already at war with Serbia, should not be applicable in the present case and added that it cannot certainly be denied that a state of war exists between Austria-Hungary and Serbia.

I remarked that while what he affirmed was true, he could not fail to appreciate the sound foundation of your Excellency's reasons which I explained to him on the subject. On the other hand, he should not forget that I, on various occasions, had made known to him that we were interested in the political and economic independence of Serbia and in the equilibrium of the Balkans. It was not to be doubted that the war undertaken by Austria-Hungary against Serbia, and which threatened her independence and disturbed the aforesaid equilibrium, could not be considered by us except as contrary to our vital interests. Baron Burian therefore recognized that before beginning a discussion on the question of compensations it was necessary to establish

the basis of the compensations themselves. But he had to acknowledge at the same time that the question of compensations in general, as placed by the Royal Government on the basis of the cession of territories now possessed by the monarchy, was not of a pressing character. Therefore he was not able to declare himself about it at this time because the Imperial and Royal Government was not yet in a position to undertake a military action against Serbia. I remarked that it seemed to me that he had not considered in the same way the question of compensations when I stated to him that this [question] was borne by the Imperial and Royal Government on the cession of territories now belonging to Austria-Hungary. In fact, on that occasion he had stated that he was ready to enter into a discussion with us and that he was animated by the best disposition to reach an understanding. But, continuing, Baron Burian stated that when the moment arrived to initiate against Serbia the abovesaid action, he would not fail to have present our statement, and that, since the diplomatic action would have proceeded together with the military operations, no such operation would begin before an agreement had been initiated. I remarked that the question of compensations had, to my understanding, not only a present character, but even that of urgency, and that it should be taken up again because any delay could not be but harmful.

On this subject I made him consider that the question of the eventual satisfaction that we should give to the [our] national aspirations is of prime importance, superior to any other argument, and that this question could not be left without a speedy solution, because, on account of the state of public opinion among us, it might create grave dangers.

To this Baron Burian answered that the considerations offered by me had certainly a value for us, but in Italy people should take into consideration the views of the Imperial and Royal Government. He added that we had fixed a limit which would be reached automatically, Austria-Hungary being at war with Serbia.

Military action of the Austro-Hungarian troops against that power could not fail to become soon effective, and then the Imperial and Royal Government would not neglect to fulfill the assumed obligations, and this should assure us entirely. I answered that it did not seem to me that such affirmations from him could reassure us. In fact, he had stated, in the first place, that he did not consent to the interpretation given by us to the Seventh Article of the Treaty of Alliance, namely, that the agreement contemplated in that article should not only be initiated but concluded before any military operations against Serbia and Montenegro were undertaken. In the second place, he had persisted in refusing to bind himself concerning the basis of the compensations due us, affirming that such a question was not of pressing nature. Baron Burian answered that, while it was true that, according to his opinion, the agreement ought to be only initiated and not concluded before any military operations against Serbia, he would do everything in his power to reach a conclusion, and only in case this should not be possible military operations would follow their course. It was also true that he could not declare himself at this time concerning the basis of compensations, but he would do so when the opportune moment arrived.

I answered Baron Burian that it was useless for him to talk of

beginning at the moment he considered opportune a discussion concerning the agreement, when he was not disposed to declare himself concerning the basis of compensations proposed by us. Such a discussion, as I had announced to him before, could not be accepted by the Royal Government for the reasons that I had on several occasions explained to him, unless and only in the case when it contemplated as compensations the cession of territories now possessed by Austria-Hungary. Baron Burian answered that, according to his opinion, the time had not yet arrived for him to declare himself on that subject, but when it should arrive he would have present our statement and would take care to declare himself about it before beginning the negotiations for the agreement. Having in the end considered it advisable to repeat again to Baron Burian that the Royal Government maintained the position stated in the last part of your Excellency's telegram, he said to me that he would not fail to keep it in mind at the opportune moment. The things said to me by Baron Burian show once more that he is not disposed, at least for the present, to accept the views of your Excellency concerning the question of principle and the interpretation of the Seventh Article of the Treaty of Alliance.

My conversation with him on this question might be protracted indefinitely without reaching any practical result, as he would formulate always new arguments in favor of the view which he holds. It would therefore be hopeless, notwithstanding any effort I may exercise, to expect that his attitude might be changed in this line of action.

AVARNA.

XXXV. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 4, 1915.

I also believe that there is nothing to hope from a continuation of the discussion with Baron Burian concerning territorial compensations according to Article VII. I do not consider it useless, however, to sum up clearly the following points, which result from the statements made at various times by us during the past conversations:

1. No military action of Austria-Hungary in the Balkans should be undertaken previous to the conclusion of an agreement on compensations, as we abide rigorously by the text of Article VII.

2. Any violation of the aforesaid will be considered by us as an open violation of the treaty, in view of which Italy resumes its entire liberty of action to guarantee its own rights and interests.

3. No proposal or discussion of compensations can lead to an agreement unless it contemplates the cession of territories already possessed by Austria-Hungary.

4. According to Article VII. we demand compensations for the mere fact that a military action of Austria-Hungary is started in the Balkans, independently from the results that such an action may bring; not excluding, however, that other compensations may be stipulated in a conditional way in proportion to the actual advantages that Austria-Hungary may succeed in obtaining.

5. The compensations fixed for the beginning of military operations independently of the results, rather than remaining secret, shall be carried out by means of the effective transfer of territories ceded and their immediate occupation on the part of Italy.

6. We do not consent to any discussion of compensations on our part for the occupation of the Dodekanese and of Valona and this for the various reasons already stated to Baron Burian by your Excellency.

SONNINO.

**XXXVI. The Minister of Foreign Affairs to the Royal
Ambassador at Vienna**

(Telegram.)

Rome, March 4, 1915.

The Royal Chargé d'Affaires at Cetinje telegraphs that the (Montenegrin) Minister of Foreign Affairs has communicated to him the following:

During last night, at 3 A.M., five Austrian torpedo boats entered the port of Antivari and sank the royal yacht; during the bombardment they landed marines with machine guns, firing to keep Montenegrins away while they set fire to the Government stores, succeeding, however, in destroying only a small part of them. One person killed and three wounded.

It is opportune that your Excellency mention to the Minister of Foreign Affairs these military operations of the Austro-Hungarian forces against Montenegro, which are in open contradiction with our communications of Feb. 22 last made to that Government and with the statements of Baron Burian.

SONNINO.

**XXXVII. The Royal Ambassador at Vienna to the Minister of
Foreign Affairs**

(Received March 7.)

(Telegram.)

Vienna, March 7, 1915.

Baron Burian has spontaneously informed me that his answer to our question of principle would not have been long delayed. I remarked that the frank refusal he had made so far to declare himself on this subject and repeated to me also in the conversation of March 2, did not certainly warrant my expecting from him today such a statement. To this Baron Burian answered that he could not but recognize my remark just, but that he recalled that in the aforesaid conversation he had stated to me that when the opportune moment should arrive he would declare himself concerning this question, which could not be left unsolved in order to go beyond the present situation.

AVARNA.

XXXVIII. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and Vienna

(Telegram.)

Rome, March 8, 1915.

Prince von Bülow has informed me that he has received telegrams from Berlin in which, after informing him that the German Government had strongly intervened at Vienna to favor an understanding between Austria-Hungary and Italy, he was assured that at last the attitude at Vienna was changed and that there was well-founded hope that such understanding could be brought to a consummation.

I answered that the Duke Avarna had also telegraphed me in the same way having received the news from Mr. von Tschersky; and that, besides, Baron Burian, day before yesterday, had told him that he hoped soon to give him an answer on the question of principle concerning the ground on which the negotiations might develop.

SONNINO.

XXXIX. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and Vienna

(Telegram.)

Rome, March 9, 1915.

Prince von Bülow has communicated to me a telegram received from his Government, as follows:

"Baron Burian has requested us to notify the Italian Government that Austria-Hungary is ready to enter into negotiations with Italy, according to the proposal of Baron Sonnino and on the basis of cession of Austrian territory. The statement to be made in the Italian Parliament should be prepared in accord with Vienna. Baron Burian will do his best that the formula be settled upon in common agreement in the shortest possible time."

I remarked to Prince von Bülow that it was necessary to avoid any misunderstanding; that I had never mentioned anything about statements to be made in Parliament concerning the opening of negotiations, but had spoken of the necessity of not keeping the understanding on compensations secret after it had been reached.

Prince von Bülow wrote the following note:

"Baron Sonnino has no objection that, when an agreement be reached, the statement to be made on that subject in the Italian Parliament be drawn up together with Baron Burian, but he has no intention to make in Parliament any statement concerning the beginning of negotiations and while these take place.

"This, according to Baron Sonnino, because any statement of this kind would render much more difficult the success of the negotiations, exciting public opinion. He also desires that the thing be done as soon as possible."

I added, to Prince von Bülow, that I would wait for the report of the Duke Avarna on the interview he was to have today with Baron Burian.

SONNINO.

XL. The Royal Ambassador at Berlin to the Minister of Foreign Affairs

(Received March 10.)

(Telegram.)

Berlin, March 9, 1915.

Mr. von Jagow has just informed me that Baron Burian has requested him to notify us of his affirmative answer on the question of principle.

The Austro-Hungarian Government definitely consents to conform to the request made by the Royal Government that the discussion concerning the compensations deriving from the application of Article VII. of the Treaty of the Triple Alliance be brought on the ground of concession of territories now belonging to the monarchy.

Baron Burian has expressed the desire to be as soon as possible in communication with the Royal Ambassador at Vienna regarding the declaration to be made by the Royal Government to Parliament.

BOLLATI.

XLI. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received March 9.)

(Telegram.)

Vienna, March 9, 1915.

Baron Burian has said that the Royal and Imperial Government consents to discuss the question of compensations contained in Article VII. of the Triple Alliance Treaty on the same basis proposed by the Royal Government; namely, on the ground of concession of territories belonging to the Austro-Hungarian Monarchy. He referred in this respect to the close analysis to which this question had been submitted by the Royal and Imperial Government, and to the great difficulties which had been surmounted in arriving at the above decision. He remarked, also, that this decision was formed with the desire of establishing with the Royal Government an understanding which would ultimately maintain good reciprocal feelings, evading any breach and thus rendering possible a co-operation of the two Governments toward common ideals of general policies. This point of view which he had presented in many conversations was that which has always guided him and which corresponded to that which I expressed to him during my first interview on Jan. 17 last, in speaking to him regarding the question of compensations for reasons of logic and policy.

Baron Burian also observed that the various phases of the question, as, for example, those relative to the stipulations of the preventive accord, and many similar, should, in his opinion, be gone into in our succeeding conversations.

Finally, Baron Burian said to me that if your Excellency intended, by reason of opportunity, to communicate to the public that the two Governments were already in "pourparlers" regarding the question of compensations, he begged you to let him know in confidence the terms of the communication.

I answered that I was ignorant of your Excellency's intentions but supposed, as my personal opinion, that you desired to maintain

secrecy of the fact that we are now negotiating, and of the object of the negotiations, as long as these naturally last. None the less I would refer to your Excellency his request. AVARNA.

XLII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 10, 1915.

The Royal Government had already withdrawn every proposal of discussions on compensations according to Article VII., but the general situation is too serious and the matter too important to raise today questions of sheer form and so we accept the discussions on the basis already admitted by the Imperial and Royal Government. We do not intend to make any communication to Parliament and to the public concerning the line of negotiations.

Putting aside the divergency of principle on the basis which should be given to the proceedings, I hope that we shall speedily arrive at negotiations and conduct them rapidly forward to attain the accord whose conclusion must absolutely precede, as in my reiterated declarations, any Austro-Hungarian military action in the Balkans.

Such negotiations must be made directly between the two Governments, without the intervention of a third.

The principal points to be first laid down clearly are:

1. The absolute secrecy of the negotiations. Any indiscretion regarding their existence and procedure would force the Royal Government to withdraw its proposal and break off negotiations.

2. When the accord shall be concluded it should take immediate effect. Otherwise the Royal Government would lack the necessary political force to obtain from the country that moral approbation which would be indispensable to the carrying out of the concluded accord.

3. In order to eliminate new questions and breaches and to avoid the repetition of tiresome incidents and to leave altogether the necessary liberty of movement to that Government (Austria) in the conduct of the war, it is advisable that the accord last the entire duration of the war, inasmuch as it reflects the possible application of Article VII.

When that Government (Austria) shall accept these bases we declare ourselves ready to specify our demands, restraining ourselves to that minimum of compensations which we deem indispensable to reach the very aims of the invoked accord—namely, to eliminate permanently between the two States the occasion for breaches, thus creating between them a normal situation of cordiality and possible co-operation toward common ideals of general policy.

And for the great and common interest, in order rapidly to reach an accord eliminating from the beginning any suspicion of a desire for delays and postponements, I would propose that we fix a limit of a couple of weeks for the duration of the negotiations, and should this time elapse without reaching any conclusion, any proposal made by either party shall be considered withdrawn and as not having occurred, and we would return to the status quo ante of reciprocal liberty.

SONNINO.

XLIII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received March 13.)

(Telegram.)

Vienna, March 13, 1915.

I have expressed to Baron Burian the various points contained in the telegram of March 10, expressing myself to him in the sense of the instructions imparted to me by your Excellency.

Baron Burian said to me that he would take note of the intentions of your Excellency not to make known to Parliament and the public any communication regarding the progress of the negotiations.

In regard to the declarations made repeatedly by your Excellency that the conclusion of the accord should absolutely precede any Austro-Hungarian operations in the Balkans, Baron Burian intimated that he could not change his opinion regarding the interpretation of Article VII. of the Treaty of Alliance, the reasons for which he had occasion to make known to me in preceding conversations. I observed that the objection alleged by him for not consenting that an accord be not brought to a close before any military operation in the Balkans did not seem to me now to have any foundation after the hope manifested by your Excellency that we speedily begin the negotiation of the accord, and that it be rapidly developed. To which Baron Burian replied that he recognized that his objection was in fact eliminated by the considerations expressed by your Excellency, according to which there was to be established by both parties a term within which the negotiations for the accord should be terminated. Wherefore he would co-operate in accord with the intentions of your Excellency to conduct these negotiations in a speedy fashion, to arrive at a possible agreement.

As to the three principal points to be first clearly laid down Baron Burian said to me:

1. That he agreed to maintain absolute secrecy regarding the negotiations, provided Germany be admitted to the confidence of these negotiations for the above-mentioned reasons;

2. That if Article VII. foresaw that the accord was preventive, it did not however foresee that the execution was preventive, since it would enforce the meaning of this article and that in a general thesis. I intimated that if he admitted that the accord should be preventive and not contemporaneous and subsequent to the action he should admit, at the same time, that the substance of this accord in which the compensations were to be determined was not to be considered in the same light. Therefore, the fixed quota of compensations which would serve as corresponding basis for the starting of military operations in the Balkans independently of the results, should not now be kept secret but be brought into effect by the effective passing on of the ceded territories and their immediate occupation on the part of Italy. I had already communicated to him the consideration of the political order which made necessary the effective passing on of the ceded territories. On the other hand, I thought to remind him of what I had already spoken in my first interview with him on Jan. 17, namely, that in order to direct Italian public opinion and render it favorable to the accord it was necessary to lay before it from the very beginning a minimum of sure and tangible advantages not dependent alone

upon uncertain and remote eventualities. Baron Burian replied that it might interest us to know that it would be impossible for the Imperial and Royal Government to admit the passing on of any territories of the monarchy before the conclusion of peace, and that because of divers considerations rendered imperative by the very nature of the thing. He added that the reasons bearing on internal policies explained by me could have an internal value for us, but that there existed for the Imperial and Royal Government such reasons from which it, on its side, could not depart.

And he concluded by expressing the hope that the Royal Government would not refuse again to examine this second point. Referring to the third point, Baron Burian said to me that he was entirely of your Excellency's opinion, namely, that the accord should last the entire duration of the war inasmuch as it reflects the possible application of Article VII. Finally, in reference to the proposal of your Excellency to fix a term of a couple of weeks for the duration of the negotiations, Baron Burian observed that if the indication of such a term was the expression of your Excellency's desire that the negotiations be conducted in a rapid fashion, he entirely shared in your judgment, but it seemed to him that it would be quite difficult to fix at the very beginning a definite number of days. In the course of the interview, Baron Burian having incidentally referred to your counter-proposals of compensations on account of our occupations of Valona and (the Islands of) the Dodekanese, I thought to inform him that, for the reasons already mentioned to him, we could not admit any discussion of compensation for our part of those occupations. To which Baron Burian replied that he maintained his rights to compensations for such occupations as they resulted from Article VII. and that he would revert in proper time to this matter.

As your Excellency will have inferred, Baron Burian expressed himself to me in regard to the second point in so explicit terms as to raise the doubt whether he could later modify his opinion expressed to me, not to consent that the accord, after having been concluded, be brought into immediate effect.

AVARNA.

XLIV. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 13, 1915.

I must state that the interview with Baron Burian referred to me by your Excellency leaves little room for the hope of bringing matters to a quick conclusion and does not even initiate a discussion on the concession of territories now possessed by Austria-Hungary.

I could today surmount the first serious divergencies in regard to the interpretation to be given to the words "accord préalable" of Article VII., since surely if the present negotiations, which might last the duration of the war, could be brought rapidly to a conclusion, there could not arise for any length of time that hypothetical case on which the dissension culminates, that is to say the development of military action in the Balkans before an accord could be concluded, although a discussion were already initiated.

I should make no objections, while remaining firm on the point that the negotiations be made directly between the Austro-Hungarian and Italian Governments, to Germany being informed step by step of their progress.

Referring to the duration of the term to be fixed for the discussion, it is useless to pause on this question until the other substantial divergency on the principle of the points—which in my previous telegram I indicated as a condition *sine qua non* for the opening of a discussion appear irreducible—that is to say, the preventive pact of immediate operative force at which we could arrive. As I already explained, this condition appears essential to us, inasmuch as without it no Government today in Italy could have the necessary political force to guarantee the practical maintenance of the obligation assumed. Therefore more than useless—damaging—it would be to continue to advance in the proceedings eventual reciprocal obligations whose effective execution could not thereafter be guaranteed.

I will not even pause on the insistence of Baron Burian to invoke today Article VII. on account of our occupation of the Dodekanese and of Valona. For the reason already mentioned the Royal Government cannot admit discussion on these themes. But this insistence can be used as proof of the slight probability of success which would today meet the renewal of negotiations in kind on the compensations referred to in Article VII., due to the present disposition of spirit of the Imperial and Royal Government.

SONNINO.

XLV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received the 16th.)

(Telegram.)

Vienna, March 16, 1915.

I have submitted to Baron Burian what your Excellency made known to me concerning the declarations made me in the preceding interview and, insisting on the principal points of which I spoke to him in this interview regarding the previous agreement on the immediate application of the accord to which we could arrive, I expressed myself in the sense of your telegram. Baron Burian said to me that as for the interpretation to be given to the words "accord préalable," ("previous agreement,") although he could not modify his opinion regarding the interpretation, he could, however, declare to me that, the negotiations being initiated for an accord, he would not interrupt them, avoiding making any military action in the Balkans during the term to be fixed by the mutual accord, for the duration of the negotiations. In regard to the preventive pact of the immediate operation of the accord, Baron Burian reminded me that he had told me in the interview of last Friday that Article VII. of the Treaty of Alliance spoke of preventive accord, and, he added, that the realization of the compensations by one of the contracting parties should be simultaneous with the advantages which the other contracting party should assure itself. Hence he could not but persist in the

declaration made to me in that interview, namely, the impossibility of the passing on of the territory of the monarchy before the conclusion of peace.

I replied that the refusal on his part to engage to bring into effect the accord immediately upon its conclusion made useless the initiation of any discussion whatsoever, inasmuch as any such preventive engagement should be considered as conditioned *sine qua non* on the initiation of the same discussion.

To this purpose I had to remind him that such a condition was for us essential, inasmuch as without it no Government in Italy could have the necessary political force to guarantee the practical maintenance of the engagement to be assumed. Therefore not only useless but also damaging would it be to proceed with negotiations for eventual reciprocal obligations whose effective execution could not thereafter be guaranteed.

To which Baron Burian rejoined that, aside from divers considerations of an imperative nature already suggested to me and which do not permit the Imperial and Royal Government to assume the preventive engagement of which we had already spoken, there exist others of a moral and legal order. The first had bearing upon the dignity of the sovereign and the prestige of the monarchy as a great power; the second involved the immediate passing on of territories to be ceded which could not be done in an administrative way.

To these considerations, which rendered impossible the operation of the accord immediately upon its conclusion, it was necessary to add the circumstance that the Imperial and Royal Government could not, during the war, decide the fate of peoples whose sons were now fighting for the integrity of the Monarchy.

The Imperial and Royal Government had consented to discuss the question of compensation on the basis proposed by the Royal Government, but the various members of the Government were already agreed not to admit the immediate passing on of territories to be ceded. These were to be ceded at the end of the war.

On the above-mentioned basis the Imperial and Royal Government was always ready to enter into negotiations with the Royal Government and in this respect it was animated by the best intention. The condition, however, of the Royal Government rendered difficult the situation and aggravated much more the great sacrifice which the Imperial and Royal Government was ready to make for the purpose of reaching a complete and amicable understanding with Italy.

Baron Burian concluded by saying to me that the German Government shared entirely his opinion regarding the question of the immediate passing on of the territories to be ceded. And the request made in this regard by the Royal Government to the Imperial and Royal Government was considered by the Germanic Government as not to be discussed.

I replied to Baron Burian that I could only refer in this regard to what I had already submitted concerning the preventive pact of the immediate operation of the concluded accord, which was considered by the Royal Government as a condition *sine qua non* of the initiation of the discussion and from which it thought it could not depart.

Finally, in regard to our occupation of Valona and of the islands of the Dodekanese, Baron Burian declared he maintained his rights to the compensations which were due to the Imperial and Royal Gov-

ernment because they were based on Article VII. of the Treaty of the Triple Alliance.

He did not intend, however, to insist on the question, inasmuch as he had not yet formulated the precise compensations. At this moment he had no intention of hampering the negotiations, and, on the contrary, he was animated by the desire to continue and reach a result.

Notwithstanding the new and lively insistence made repeatedly by me to Baron Burian to induce him to enter into the order of ideas of your Excellency, he persisted in his point of view regarding the immediate operation of the accord, from which it does not seem that he intends to depart, judging by the way he expressed himself to me.

AVARNA.

XLVI. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and at Vienna

(Telegram.)

Rome, March 17, 1915.

Prince von Bülow came to see me the 15th inst. and was much preoccupied by the news he had regarding our negotiations with Vienna and the preventive conditions intimated by us to Baron Burian.

The condition which, above all, perturbs him—because he deems it such as to render impossible an accord—is that in regard to the “immediate execution” to be given to the territories to be ceded. He does not think that we should exact this from Austria. In history there is not a similar precedent; he cited Nice and Savoy whose transmission was conveyed after the war. This condition raised by us was new. The Austrian Government accepted our proposals that the accord should not remain secret after its conclusion and until the end of the war. The accord once concluded, we could have the high guarantee for its execution in the person of his Majesty the Emperor of Austria. And, besides, there would be the guarantee of Germany as a mediator approving the accord.

The immediate assignment of the ceded territory might provoke a revolution at Vienna. It was necessary for the cession of territories to have the approval of the Parliaments. And today an Austro-Hungarian Parliament would react against any similar proposal.

I answered that this condition was indicated by us as indispensable, inasmuch as if the cession of the territories in question should be deferred until the establishment of peace, no Government could guarantee for the duration of the war to check the warlike impulses of the country.

Any fact of war, any oscillation in the vicissitude of the struggle would provoke suspicions, agitations, and tumults.

The case of Nice and Savoy was not to be compared with this one; there the transaction was of concessions to be made conditionally to the effective acquisition of territory by the State of Piedmont, and the pact was between those who had to be companions at arms.

The soldiers of Nice and Savoy continued to fight during the war for the same party and against the same enemy whether or not the cession was made. What instead would be the condition of the

soldiers in the present war belonging to the ceded territories? If they should desert, with what justice could one punish them? How could public opinion in Italy refrain from rising against the hard lot imposed upon them of continuing to fight and die for a cause not their own?

The immediate execution was not a new condition put by us, I having spoken of it to Prince von Bülow since our first conversation regarding soldiers under the Austrian flag.

The argument which alleged the necessity of the sanction by the Austro-Hungarian Parliament was a two-edged weapon. Today the Emperor has ample power. Any stipulation whose execution and validity should remain suspended justified any diffidence of the Italian public. At the end of the war if the Parliament denied its sanction to the mutual decision nothing would remain to be done and Italy would remain deluded.

Prince von Bülow rejoined that he was morally certain that, aside from the condition of the immediate execution, an accord could be reached between Austria-Hungary and Italy in regard to the territorial question; but he thought impossible an understanding on this subject. He alluded to the terrible consequence in the near or remote future of a rupture between Italy and Germany.

Finally he proposed to now put aside the discussion of this condition of immediate execution, remitting it until an understanding should be reached on the other point to be discussed.

He is convinced that thus we could arrive at a conclusion "unless," he said, "you have already decided to make war within March."

I replied that I had frankly submitted to him my opinion; but that I could not alone assume the responsibility of a decision and would refer in all sincerity and earnestness his arguments to the Premier.

SONNINO.

XLVII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 17, 1915.

Baron Burian, in opposing the pact of the immediate execution, has added "that the realization of the compensation of one of the contracting parties should be simultaneous with the advantages which the other contracting party would have assured itself." But in so putting the question there falls the fundamental point, which seemed to be accepted—the territorial cession made to us as compensation for liberty of action to be extended to Austria-Hungary for the entire duration of the war, whatever may be its result. Subordinating the compensation to the advantages, the preventive and definite *forfait* which was to be concluded vanishes. On the contrary, the immediate execution is logically inherent to the accord thus conceived.

Baron Burian has said "that the Imperial and Royal Government could certainly not decide during the war the destinies of populations whose sons were now fighting for the integrity of the monarchy." It is not possible that this affirmation reproduces exactly the intimate thought of Baron Burian, since otherwise it would be useless to negotiate an accord regarding cession of territories already

possessed by the monarchy if the ceding party should think itself unable to decide regarding the cessions and the destinies of the relative populations.

In regard to the immediate execution of the accords, in view of the fact that the Imperial and Royal Government has accepted the point that these accords be rendered public immediately upon their conclusion, I cannot understand his pertinacious refusal to admit prompt operation. The moral and political effect which the cession of territory could produce on the Austro-Hungarian public in general, and particularly on that of Vienna, (see the words of Prince von Bülow,) would quickly abate on the morrow of their divulgence. On the other hand, for the general defense of the empire any diminution in the ranks of the combatants produced by the release of the soldiers belonging to the ceded territory would be more than compensated by the free disposition of the remaining forces because of the effect of augmented safety resulting from the concluded accords.

SONNINO.

XLVIII. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and Vienna

(Telegram.)

Rome, March 17, 1915.

Prince von Bülow came today to see me and began by intimating the great danger that the negotiations between Austria and Italy would fail on account of the condition of immediate execution proposed by us. He said likewise that the Emperor of Germany would also guarantee the execution of the accord after the war was over.

I replied explaining the various reasons why we must insist on our request, reasons which take into account the general condition of Italian public opinion, and of the Austrian alike. I intimated how difficult it would be to fix a firm ground on which to negotiate with the Austrian Government, reminding him of the words spoken on the 15th instant by Baron Burian to the Duke Avarna, in which he seems to make the decision regarding the cession of Austrian territory to Italy depend upon the attainment of advantages by Austria at the end of a victorious war. Prince von Bülow made note of the following:

"Baron Sonnino observed to me that the advantage which Austria-Hungary would realize from this time on by means of the accord consists in the guarantee which she would attain of the neutrality of Italy during the extension of the war. Baron Burian, on the other hand, seems to subordinate every effective cession of territory to Italy to the condition that Austria make effective territorial gains, and obtain other advantages at the end of the war.

"Baron Burian's point of view makes impossible an accord such as Baron Sonnino would desire—that is to say, an accord having the nature of a *forfait*—cession of territory, at present Austrian, on one side; on the other, guarantee of neutrality for the duration of the war whatever should be the outcome of the war."

I said to Prince von Bülow that I did not intend to precipitate anything and would take no initiative nor make any proposals; that if the Austro-Hungarian Government desired we should come to some

conclusion it rested with it to make clearly defined proposals, the most ample possible, that there may be a probability of success.

Prince von Bülow said that he would inform Berlin to this effect.
SONNINO.

**XLIX. Minister of Foreign Affairs to the Royal Ambassadors
at Berlin and Vienna**

(Telegram.)

Rome, March 20, 1915.

Prince von Bülow informs me, on instructions of Chancellor Bethmann-Hollweg after an interview with Emperor William, "of having the authority to declare that the German Imperial Government assumes before the Italian Royal Government the full and entire guarantee that the agreement to be concluded between Italy and Austria-Hungary will be put into execution faithfully and loyally immediately after the conclusion of peace."

Besides, Mr. von Jagow informs him that there has been a rumor afloat that Austria-Hungary even to-day is still unwilling to agree with Italy and desires to delay the relative negotiations. Mr. von Jagow is convinced that this rumor has no truth in it. Emperor Franz Joseph, after having taken the grave resolution, will keep it loyally. The Ambassador, Mr. von Tschirsky, telegraphed him from Vienna that Baron Burian has the serious intention of arriving as soon as possible, on the basis of a cession of territory, to an agreement with Italy, a trustworthy and amicable foundation of relations between the two countries from this time on.

As to the guarantees to be given to Italy for a faithful execution of the treaty, Baron Burian is ready to continue to confer with Duca Avarna. Mr. von Jagow believes it "to be incontrovertible that Baron Burian is disposed to the cession of territories and in exchange (gegenleistung) requires only the renunciation by Italy of the demands based on Article VII."; Jagow adds that in this it seems to him is to be found the basis of negotiations, being, it is clear, "that Austria-Hungary consents to make concessions of Austro-Hungarian territory and that she asks nothing else of Italy than the maintenance of absolute neutrality during the war."

He has the impression that the words of Baron Burian relative to the Dodekanese and his other phrases of uncertain tenor were said rather to explain his point of view regarding the past, and they have not a practical bearing. Prince von Bülow exhorted us again to take up the conversation between Baron Burian and Duca Avarna at Vienna.

I answered, referring to some of the principal reasons expressed in our recent conversation which make indispensable the immediate execution of the accord to be concluded.
SONNINO.

**L. The Minister of Foreign Affairs to the Royal Ambassadors
in Berlin and Vienna**

(Telegram.)

Rome, March 20, 1915.

Baron Macchio asked me at what point matters were at Vienna. I informed him of the history of our negotiations to date; that the

question regarding the immediate or deferred execution of the agreement to be concluded had stopped everything. Prince von Bülow had suggested to defer this point without prejudice and to discuss in the meanwhile the rest. I did not want to oppose that, though I had a doubt that, without solving the question of execution, the discussion would remain always in the air. However, I consented to the taking up of the conversations at Vienna if Baron Burian would make precise and concrete proposals on which the conversations could be based.

Baron Macchio thought it useful to define before all the question concerning the execution during or after the war. He maintained the impossibility that this session might be immediate. I intimated to him various very grave difficulties which would oppose the deferring of the session. I explained to him the question relative to the necessity of the approval of Parliament. At the end of the war, the party which had pledged itself to neutrality would have already given all it could and should have given, whether or not the Parliament approved of the action of the Government, whereas the other party would, on the contrary, have done nothing but assume a pledge of territorial session conditional on Parliamentary consent, a pledge which could result in nothing, if this consent were not given.

I referred also to the other very grave question of the soldiers who would continue to fight for a cause not their own. How could public opinion tolerate it? In Austria there existed a territorial system which rendered easier the returning of soldiers to the regions where they belonged.

Baron Macchio acknowledged the reasonableness of the first question relative to the dependence of a pledge upon Parliamentary sanction; he would refer it to Baron Burian, who would look into it and propose some other guarantee.

Regarding the soldiers, he said that their return during the war would disorganize the army. There would also be many other difficulties of an administrative order against the passing on of the territories during hostilities.

He concluded with the proposal that he himself would take up these conversations which could be of use, although Baron Burian intended that the negotiations should be conducted at Vienna.

SONNINO.

LI. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received March 21.)

(Telegram.)

Vienna, March 21, 1915.

I have entertained Baron Burian upon the contents of the telegrams of your Excellency, expressing myself to him in the sense of these telegrams.

Baron Burian thought before all that the phrase dictated to me by him in our interview of the 15th inst., namely, "the realization of compensations by one of the contracting parties should be simultaneous with the advantages to be derived by the other contracting party," had given substance to a misunderstanding on the part of

your Excellency of which he was already informed by the German Ambassador.

He said, therefore, that, in his opinion, the word "simultaneous" should not be interpreted in the sense that the compensation to be presented to one of the contracting parties should be subordinated to the advantages to be derived by the other party. To this proposal he declared to me that if an accord were concluded now, namely, preceding any military operation by Austria-Hungary in the Balkans, the stipulations of the accord tacitly referring to the compensation would be valid and realized at the end of the war independently of the results of this military action.

Baron Burian informed me, furthermore, that he would take note of the idea of an accord having the nature of a "forfait" conceived in the same terms indicated by your Excellency, but he could not himself pronounce upon it nor accept it even on principle before knowing in detail the question of the Royal Government relative to the object of compensations, or before he himself had occasion to formulate on his part his conditions.

Regarding the affirmation of your Excellency that the immediate execution was logically inherent to such accord, Baron Burian observed that he could not admit that that inference was just.

Besides he persisted in affirming, for reasons already stated to me at the beginning, that the cession of the territories of the monarchy which would be made the basis of an accord to be stipulated, could not be executed until after the conclusion of peace.

Concerning the sanction of the Austrian and Hungarian Parliaments, Baron Burian observed that there was no doubt that the accord, which was to be stipulated, would be approved of by the Parliaments, which could not reject an act which had taken place under the ample power possessed by his Majesty the Emperor.

Having communicated to Baron Burian what your Excellency had made known to Prince von Bülow, he said to me that he would make the proposal to enter into negotiations with the Royal Government, and of which he had already informed Baron Macchio. He begged your Excellency therefore to be willing to follow the program which had been proposed at the time, namely, to formulate your requests, and he on his part would make known to you his answers and conditions.

And he added that he hoped your Excellency would reconsider your deliberations and not take any initiative nor make any proposal which you supposed to be inspired by a misunderstanding now cleared away.

AVARNA.

LII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 22, 1915.

I acknowledge the formal proposal of Baron Burian to enter into negotiation with the Royal Government and also the explanations offered by him concerning some of his previous expressions which lent themselves to dubious interpretations.

I am sorry, however, that he does not understand the impossibility in which any Government in Italy is in assuming serious obligations

limiting its liberty of action for an indefinite but certainly long period on mere promises of territorial cessions, which would not take place before the end of the present war. Besides, it is evident that the expectation of an immediate execution would strongly influence public opinion toward moderation in the demands of the cessions, while any delay would encourage larger demands.

Notwithstanding this, I am ready, as I have already stated to Prince von Bülow and to Baron Macchio, to seriously examine any concrete proposal that the Imperial and Royal Government may be willing to make, and with the view to facilitate the discussion, I further state that I would be also ready to consider any proposal that might be made, but not agreed upon, as if it had never been presented, to all future effects.

SONNINO.

LIII. The Minister of Foreign Affairs to the Royal Ambassadors at Berlin and at Vienna

(Telegram.)

Rome, March 23, 1915.

Baron Macchio, whom I saw this morning, said to me that he had received two telegrams from Baron Burian concerning the conversations that he had had with the Duke Avarna. They agree with the facts reported by the latter. Baron Burian takes it for granted that, having cleared the misunderstanding concerning the words he had previously said, I will formulate the demands of Italy; much more so that the execution of the agreement, after the end of the war, would be guaranteed also by Germany.

I answered him that I maintain the position I have explained to the Duke of Avarna also in yesterday's telegram. I acknowledge the proposal of Baron Burian to open negotiations; but I maintain all my doubts on the possibility of arriving at an understanding as long as the immediate execution of what may be agreed upon is not decided; for this reason I cannot at present make proposals or take initiatives. I will hear and examine carefully any proposal that Baron Burian may put forward; and for the purpose of facilitating his task, I agree to consider as never having been made any proposal which should not be accepted and to maintain secrecy on such proposals and on the negotiations concerning them.

I then explained again to Baron Macchio in friendly conversation the many practical reasons which justify the great importance that the Royal Government attaches to the question of the immediate execution of any agreement, namely, of the immediate transfer of the territories that Austria-Hungary should consent to cede to Italy, and this also in order to be absolutely sure of being able to maintain all through the indefinite duration of the war the obligation of neutrality that would be assumed.

Austria-Hungary at present keeps in the territories over which there may be negotiations a larger number of soldiers than she would be obliged to send home the day when those territories should be actually ceded; and on account of the territorial mode of recruiting to concentrate within such territories all the soldiers that belong to them by birth or residence would not be any more difficult than to

send home one levy. This cannot disorganize the army. On the other hand, for the empire to keep under arms forty or fifty thousand men belonging to territories of which the cession to Italy should have already been agreed upon would create a thousand incidents every day, grave difficulties, and a continuous reaction of public opinion.

The Austro-Hungarian parliamentary question had also no little importance. It is possible that public opinion would resign itself to the cession of territories for the advantage of acquiring by this greater liberty of action and of not having to defend a whole border line, but this would be while the hope of victory lasts.

I would like to believe that Austria victorious would faithfully maintain at the end of the war the agreement which, in a way, would have helped her to win; but it is contrary to human nature for the Austrian people, and with it the Parliament, on the day in which they should emerge from the war defeated, and should give up some provinces to the victor, to not oppose the cession of other territories to a party that has not taken part in the struggle and when the facts would show that his non-participation has not sufficed to secure a happy termination of the war. The guarantee of Germany is valuable in the case of a victorious Germany, which presupposes also a victorious Austria, but would have less value in case both should be defeated.

SONNINO.

LIV. The Royal Ambassador at Vienna to the Ministers of Foreign Affairs

(Received the 24th.)

(Telegram.)

Vienna, March 24, 1915.

Baron Burian has said to me that the assertion that the cession of territories, which would be made at the end of the war, is conditioned and dependent on the approval of the agreement between the two Governments on the part of the Parliaments of the monarchy, is not correct. As all international treaties have to be sanctioned by the Parliaments of the monarchy, it was necessary to submit to their approval the aforesaid agreement. But this would not be a condition for its validity for Italy and would not constitute a condition for its execution.

As to the approval of the agreement on the part of the Parliaments, it could not be doubted for the reasons stated to me in the course of the conversation of the 20th inst. Concerning the other very grave question of the soldiers, who had to continue to fight for a cause which was no longer theirs, Baron Burian stated that this matter was the object of his thoughts and that in our future conversations we should discuss it.

Baron Burian stated to me that he had been informed by Mr. von Tschirsky concerning the full and complete guarantee that the German Government assumed before the Royal Government that the convention to be stipulated between Austria-Hungary and Italy will be faithfully and loyally put into effect as soon as peace will be concluded. Baron Burian stated that he would agree to make

concrete proposals after obtaining the authorization of his Majesty the Emperor, and that as soon as he obtained it he would inform me. He was also disposed, as was your Excellency, to consider as never having been made, to all future effects, any proposal that might be put forward and not agreed upon by the two Governments. As to the question of the immediate execution of the agreement that might be concluded, Baron Burian told me that he was sorry on his part of being unable to accept the views of your Excellency on the subject. To his understanding an agreement can hardly be called a simple promise when properly concluded and signed by the two Governments, observing all required formalities to give the said agreement the character of an international treaty.

He added that he could not accept the view of your Excellency that the Royal Government would be the only one to assume a serious obligation limiting its liberty of action for an indefinite period. Austria-Hungary would also assume, by signing the agreement, future obligations equally serious, which for the mere fact of their publicity would bind her as effectively, independently of any provision that might be considered useful and practical to the same effect, during the negotiations. As your Excellency sees, Baron Burian has persisted also this time in his determination of postponing until after peace the actual cession of the territories transferred. I am afraid it will be difficult for us to convince him of the reasons that make it absolutely imperative for us that such a cession take effect as soon as the agreement be concluded.

AVARNA.

LV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received the 25th.)

(Telegram.)

Vienna, March 24, 1915.

Having gone to the Ball Platz on request of Baron Burian, he said to me that he had requested me to see him in order to inform me that he had been authorized by his Majesty the Emperor to make precise and concrete proposals on which our conversations could be based. He would, therefore, as soon as possible make me acquainted with his proposals, and to this end he would request me to go again to see him.

AVARNA.

LVI. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received the 28th.)

(Telegram.)

Vienna, March 27, 1915.

Having gone to the Ball Platz at the request of Baron Burian, he said to me that the friendly conversations that have been taking place for several months between Italy and Austria-Hungary, with the purpose of consolidating their reciprocal relations, basing them on a

perfect good faith, and for the purpose of eliminating all possible cause of misunderstandings, rendering possible in this way their co-operation for the mutual interests of general politics, had revealed to the two Governments the expediency of an agreement for the conclusion of which he proposed the following stipulations:

1. Italy would bind herself to maintain to the end of the war toward Austria-Hungary and her allies a benevolent neutrality from the political and economic point of view.

2. At the same time Italy would agree for all the duration of the present war to leave Austria-Hungary a full and complete liberty of action in the Balkans and to renounce in advance any new compensation for territorial or other advantages that might eventually result for Austria-Hungary from such liberty of action.

This stipulation, however, would not include Albania, concerning which the existing agreement between Austria-Hungary and Italy would remain in force, together with the decisions of the London Conference.

Baron Burian afterward stated to me that on her part Austria-Hungary would agree to a cession of territories in Southern Tyrol, including the city of Trent. The delimitation in detail of the border would be fixed so as to take into account the strategic requirements that a new frontier would create for the monarchy and the economic needs of the populations.

Having remarked that, according to my personal opinion, such a proposal seemed to me to be rather vague, Baron Burian replied that he had considered it necessary above all to make known in principle the object of the cession that Austria-Hungary was ready to make without entering for the moment into particulars, which he was ready to communicate to your Excellency as soon as you so desired. Baron Burian added that the cession of the aforesaid territory on the part of Austria-Hungary implied the obligation on the part of Italy of assuming a proportionate part, in relation to the aforesaid territory, of the public debt of Austria-Hungary and provincial, municipal, and other debts, inasmuch as these last ones enjoy the guarantee of the State. Italy should also agree to pay to Austria-Hungary a lump sum as an indemnity for all the investments made by the State in the territory to be ceded, independently of the acquisition of the railroad lines situated in this territory and of the individual and collective indemnities (ecclesiastical properties, rights of lordship, pensions to old functionaries, &c.).

Having requested Baron Burian to explain this last point, he answered that he intended to establish from this moment some conditions in order to guarantee the rights of ecclesiastics.

Continuing, Baron Burian told me that as soon as the agreement would be reached on principle on the aforesaid basis, Austria-Hungary and Italy would enter into the discussion of the particulars.

The final result of the discussion would form the contents of a secret convention to be concluded between Austria-Hungary and Italy. I reminded Baron Burian of what I had already told him, namely, that the agreement, as soon as it should be concluded, rather than remain secret, ought to be put into effect by the actual transfer of the ceded territories and their immediate occupation on the part of Italy. I have on this subject explained to him the various considerations that I had already called to his attention in previous conversa-

tions and concerning which your Excellency has also recently spoken to Baron Macchio.

To this Baron Burian answered that, notwithstanding my considerations, he would make to your Excellency the aforesaid proposal, independently of the answer he might give in the future to the proposals that you might make on the subject.

Baron Burian informed me that the aforesaid transaction will render necessary the revision of certain existing treaties between the two powers, like those pertaining to the new railroad connections, the measures relative to the commerce across the frontier, the navigation on the Garda, etc. I said to Baron Burian that I would not fail to communicate immediately to your Excellency the proposals which he had made for the conclusion of an agreement to be stipulated between the two Governments.

Although Baron Burian has avoided to specify of what would consist the cession of territories in Southern Tyrol which the Imperial and Royal Government would be ready to make, I have, however, received the impression that such cession would not go much further than Trent.

AVARNA.

LVII. The Royal Ambassador at Petrograd to the Minister of Foreign Affairs

(Received the 29th.)

(Telegram.)

Petrograd, March 29, 1915.

I am assured from an authoritative source that a serious tentative (proposal) for peace has been addressed to this Government (Russia) by a person who speaks in the name of the Austro-Hungarian Government.

CARLOTTI.

LVIII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, March 31, 1915.

Having accurately examined the proposals put forward by Baron Burian as basis for an agreement, I find them from one side too vague and uncertain, from the other absolutely insufficient really to attain that end which both parties purpose, which is to create a situation that, by consolidating their own reciprocal relations and eliminating every cause of friction, shall render possible their cordial collaboration in the interest of their common aims of general politics.

I put aside for the moment the very grave question relative to the immediate or delayed execution of the possible agreement, in spite of the fact that, according to its diverse solutions, it reflects itself inevitably on the very merit of the agreements to be concluded.

Baron Burian asks in the first place from Italy the pledge of observing a neutrality benevolent from the political and economic point of view. On this matter it is necessary to be very clear. If these words are intended to mean the pledge to continue to maintain a perfect

and sincere neutrality as we have observed up to this very hour, I would have nothing to object; but I must draw the attention to the fact that the geographical situation of Italy in the Mediterranean forbids her any favoritism to one of the groups of belligerents that might provoke reprisals on the part of the other which dominates the sea, unless she wishes to expose her whole economic life to great danger, having her population feel precisely all the damage of a war, or unless she wishes to be dragged against her will into the struggle.

Baron Burian asks furthermore that the existing agreement between Austria-Hungary and Italy remain in force in Albania, as well as the decisions of the London Conference.

Now, it is impossible for Italy to consent to liberty of action to Austria-Hungary in the Balkans, without even obtaining in return that Austria-Hungary should disinterest herself completely in Albania.

Coming down to the substance of the cession offered, I will point out only lightly some of the minor and secondary questions classified by Baron Burian, because it is impossible to discuss them practically as long as the principal point is not settled, that of the extension of the territories to be ceded.

I do not understand what justification the request could have of a lump sum as compensation for the investments made by the State in the territories to be ceded. Such investments, since they were not paid with the taxes collected from those same territories, have been necessarily paid through an issue of public bonds, therefore they remain covered by the proportionate part of the public debt that we would have to assume.

Besides, when Burian speaks of public debt upon which the proportionate part to be assigned to Italy must be measured, to what epoch does he refer? To the debt as it was at the beginning of the war? Or as it is now that we are trying to agree about the cession? Or even as it will be the day in which the war ends, the day to which Baron Burian would like to delay the execution of the agreement? I remark that, in order to hope to reach an accord on this kind of questions, it is absolutely necessary to base the discussion on actual figures, precise and definite.

From the expressions used by Baron Burian I am not even able to grasp what is the extent of the territory that he offers us in South Tyrol. Even independently from any valuation of the possibility of restricting the compensation to a cession in Tyrol only, the phrase used by Baron Burian when he hints to the City of Trent only, adding that to get into more details it is necessary to take into account the strategical exigencies of the monarchy and the economic needs of the populations, seems to me so sibylline that I cannot understand what really the Imperial and Royal Government intends to offer us. And the hint afterward made to the convention about the navigation of the Lake of Garda makes the offer even more uncertain, since it seems to imply that even after the cession of Southern Tyrol the Imperial territory should come as far down as that lake.

Furthermore, if there is really the desire of creating a situation of amity and cordiality between the two States for eventual future co-operation toward common aims of general politics, it is indispensable to eliminate forever any serious basis upon which the irredentist upheavals keep reproducing themselves and to establish on the frontiers between the two States and in the Adriatic conditions of greater

equality and of common security; and to reach this end the cession of a strip of land in the Trentino will certainly not suffice.

For these reasons I repeat that, even independently from the question of the more or less near execution of the possible agreement, I must consider too insufficient as a basis of negotiations the proposals of Baron Burian, in as much as they do not satisfy enough the national aspirations, do not better in an appreciable manner our military condition, nor do they represent a compensation adequate to the freedom of action, surrendered during the present war, in the Balkans, the fate of which cannot fail to represent for Italy a primary economic and political interest.

SONNINO.

LIX. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, April 1, 1915.

The Royal Minister at Cettigne sends the following telegram:

"Tonight an aeroplane dropped several bombs, causing damage not grave, and wounding four people. Two bombs fell in the vicinity of the royal palace. The population is very much alarmed."

I beg your Excellency to express yourself to Burian in conformity with the instructions contained in my telegram of March 4, (Document No. 36.)

SONNINO.

LX. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 2.)

(Telegram.)

Vienna, April 2, 1915.

I communicated to Baron Burian the result of the accurate examination to which your Excellency submitted the propositions formulated by him as a base of an agreement, and, in expressing myself in the sense of your Excellency's telegram, I made him understand how those propositions had been found vague by you, uncertain, and absolutely insufficient to reach the end which both allied powers had in view. Baron Burian told me that by the hint that Italy give pledge to observe a neutrality benevolent from the political and economic point of view he had wished to, refer himself to the dispositions of Article IV. of the Treaty of Alliance, but that by such request he had absolutely not understood that Italy should act in such a manner as to expose herself to the perils of reprisals on the part of other belligerent States. As to the request of your Excellency that Austria-Hungary should disinterest herself completely of Albania, Baron Burian pointed out that this was contrary to the interests of the monarchy, which Italy herself had recognized by the fact of the pledges taken by the two powers in virtue of the well-known agreement. Hence Austria-Hungary could not consent to those requests.

Baron Burian recognized thus that the material settlement of the questions relative to the investments made by the State in the territories

to be ceded and to the public debt on the basis of which was to be measured the proportionate part to be assigned to Italy, was a question subordinated completely to the essential point, namely, the extension of the territories to be ceded. Therefore, it was useless to occupy one's self at this time with these questions, which will be examined at their time and in a detailed manner, and they will not prevent both Governments from arriving at a settlement on this item. Referring then to what I had pointed out, that from the expressions used by him your Excellency had not been able to grasp just what was the extension of territory which he offered in Southern Tyrol, Baron Burian handed to me a brief memorandum indicating the limits of that cession. And he added that he had already determined to hand me the memorandum before I had today asked for an audience, in order to have it as a continuation of his communication of last Saturday.

I copy below the text of the said memorandum:

"The territories which Austria-Hungary would be disposed to cede to Italy under the conditions indicated would include the districts (Politische Bezirke) of Trento, Rovereto, Riva, Tione, (with the exception of Madonna di Campiglio and of its environs,) as well as the district of Borgo. In the Valley of the Adige the frontier would go as far up as the locality of Lavis, which would be assigned to Italy."

In hinting then to the phrase told me by him in the conversation of Saturday, reproduced in the telegram of your Excellency, that it was necessary to take into account the strategical exigencies and the economic needs of the populations, Baron Burian observed that he had spoken of those two elements, it being necessary to take them into consideration in tracing the frontier, not only in the interest of Austria-Hungary, but also in that of Italy. As to the mention made by him of the convention on the navigation of Lake Garda, Baron Burian told me that he had believed to make mention of it, because that convention, as well as the others existing between the two countries, referring to the commerce across the border, had to undergo a revision and naturally that one relative to Lake Garda would cease to be in force, Lake Garda being included among the territories which would be ceded to Italy.

Baron Burian informed me also that he consented to what your Excellency stated concerning the usefulness of creating in truth a condition of amity and cordiality between the two States, for the eventual future co-operation toward common aims of general politics. This agreed entirely with his manner of looking at things, and many times he had expressed himself with me in such terms, but it was not easy for him to follow out the thought of your Excellency where you hint at the possibility of the reproduction of upheavals of irredentism and of creating conditions of greater equality and of common security in the spheres of the two States and in the Adriatic. And, he added, that it was not possible to talk exactly of the cession of a strip of territory in Southern Tyrol, when he offered all the districts which formed what is called commonly the Trentino.

Having finally repeated what your Excellency declared in the last part of your telegram, Baron Burian manifested the hope that your Excellency, after having taken cognizance of the extension of territory proposed by him, would change your mind about the importance of a cession which was not a strip of land.

AVARNA.

LXI. The Royal Ambassador at Berlin to the Minister of Foreign Affairs

(Received April 3.)

(Telegram.)

Berlin, April 2, 1915.

From several indications, confirmed expressly also by authoritative sources, I understand that Germany would not refuse to treat of peace with Russia.

BOLLATI.

LXII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 7.)

(Telegram.)

Vienna, April 6, 1915.

Baron Burian requested me today to go and see him at the Ball Platz. He asked me whether I had received from your Excellency the answer to what he communicated to me in the conversation of the 1st inst., and I having replied negatively, he expressed to me the desire to address to you the following prayer: Since your Excellency had found vague and insufficient the first of his propositions and had not yet replied to his precise proposal, he begged you to let him know, in your turn, your propositions, in order to put him in a position to try to mutually agree on the question relative to the cession of territory.

AVARNA.

LXIII. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, April 8, 1915.

Telegrams from Cettigne bring the news that yesterday aeroplanes launched four bombs on Podgoritz, killing and wounding many victims, among whom were several soldiers.

I beg your Excellency to express yourself with Baron Burian, in conformity with preceding instructions, observing that this is a new violation on the part of Austria-Hungary of the agreements existing between the two Governments.

SONNINO.

LXIV. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, April 8, 1915.

In order to satisfy the wish expressed to you by Baron Burian I formulate here below the conditions which the Royal Government considers indispensable to create between the two States a normal and durable relation of mutual cordiality and of possible future co-operation toward common intents of general politics.

Your Excellency will explain more fully to Minister Burian the reasons which support each proposition, in formulating which, I have been most thoughtful of the various observations submitted to me in the past regarding the necessities of the Austro-Hungarian Empire.

I hope that the Imperial Government will let us have, with the greatest possible haste, an answer which I trust may be favorable.

Article I. is inspired by an important historical precedent, besides evident reasons of a military order for the tracing of the new boundaries.

Article II. also is justified from a military point of view, besides being so by ethnographic reasons.

Article III. represents the sole compromise possible between the proclaimed exigencies of the Austro-Hungarian Empire and those of national principle.

Article IV. aims to attenuate in a small way the painful condition of inferiority in which Italy finds herself in the Adriatic Sea.

Article V. represents the *sine qua non* condition so that an accord may be concluded today, as no Government in Italy could otherwise take seriously, for the whole course of the war, the obligations of which the two last articles, X. and XI., treat.

Articles VI. and VII. eliminate for the future a cause of friction and of contention between the two States, allowing a legitimate protection to the Italian interests in the Adriatic without hurting the Austro-Hungarian.

Articles VIII. and IX. explain themselves.

The text of the articles follows.

ARTICLE I.

Austria-Hungary cedes the Trentino to Italy, with the boundaries which the Italian realm had in 1811, that is after the Paris Treaty of Feb. 28, 1810.

Note to Article I.

The new boundary detaches itself from the present one at Mount Cevedale; it follows for a while the counter-fort between Val Venosta and Val del Noce; it then descends to the Adige at Gargazzone between Merano and Bolzano, climbs up again on the upland on the left shore, cuts the Val Sarentina in half, the one of the Isario at the Chiusa, and through the dolomitic lands on the right of the Avisio, excluding the Valleys Gardona and Badia and including the Ampezano, it meets then the present boundary.

ARTICLE II.

A correction in favor of Italy of her Oriental boundary is accepted, the Cities of Gradisca and Goriza being comprised in the ceded territory. From Troghofel the new boundary detaches itself from the present one, turning toward the east until the Osternig, and from there it descends through the Carnic Alps until Saifniz. Then, through the counter-fort between Seisera and Schliza, it climbs at Wirschberg and then follows again the present boundary until the slopes of Nevea, to descend the spur of the Rombone until the Isonzo, passing to the

east of Plezzo. It follows then the line of the Isonzo until Tolmino, where it abandons the Isonzo to follow a more Oriental line, which, passing to the east of the upland of Pregona-Planina and following the furrow of the Chiappovano, descends to the east of Gorizia and, across the Carso di Comen, ends at the sea between Montefalcone and Trieste in the proximity of Nabresina.

ARTICLE III.

The City of Trieste with its territory, which shall be extended to the north until it comprises Nabresina, in such a way as to meet the new Italian boundary (Article II.), and to the south enough to comprise the present judicial districts of Capo d'Istria and Pirano, will be constituted into an autonomous and independent State in military, legislative, financial, administrative, political, and international reports, Austria-Hungary renouncing any sovereignty over it. It must remain a (porto-franco) free port. Neither Austro-Hungarian nor Italian troops may enter it. It will assume a proportional part of the present Austrian public debt, proportionately to its population.

ARTICLE IV.

Austria-Hungary cedes to Italy the group of the Curzolari Islands, comprising Lissa (with the near by little islands of S. Andrea and Busi), Lesina (with the Spalmadori and Torcola), Curzola, Lagosta (with the near by little islands and reefs), Cazza, and Meleda, besides Pelagosa.

ARTICLE V.

Italy shall occupy at once the territories which have been ceded to her (Articles I., II. and IV.); Trieste and her territory (Article III.) will be cleared of the Austro-Hungarian authorities and troops, with the immediate dismissal of the land and sea soldiers who belong to the former and to the latter.

ARTICLE VI.

Austria-Hungary acknowledges the full sovereignty of Italy on Valona and her bay, including Sasseno, with as much territory in the "Hinterland" as may be requested for their defense.

ARTICLE VII.

Austria-Hungary renounces completely every interest in Albania with her boundaries, as traced in the London Conference.

ARTICLE VIII.

Austria-Hungary shall concede complete amnesty and the immediate release of all persons convicted and prosecuted for military and political reasons, and belonging to the ceded territories (Articles I., II. and IV.), and released territories. (Article III.)

ARTICLE IX.

For the freeing of the ceded territories (Article I., II. and IV.) from their respective part of obligation in the Austro-Hungarian pub-

lic debt, for pensions to the late imperial and royal functionaries, and for the integral and immediate surrender to the Kingdom of Italy of any and every State property, landed or movable, except the arms, which will be found in the same territories, and in compensation for any right of the State regarding said territories in all that touches them for the future as well as for the present, without any exception whatever, Italy shall pay Austria-Hungary the capital sum of 200,000,000 lire Italiane, in gold.

ARTICLE X.

Italy binds herself to preserve a perfect neutrality during all the present war with regard to Austria-Hungary and to Germany.

ARTICLE XI.

For all the duration of the present war Italy renounces any right to further invoke, for her own advantage, the dispositions of Article VII. of the Treaty of the Triple Alliance and Austria-Hungary makes the same renunciation for all that may regard the Italian occupation of the Islands of the Dodekanese.

SONNINO.

LXV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 11.)

(Telegram.)

Vienna, April 10, 1915.

I have communicated to Baron Burian your Excellency's propositions contained in the eleven articles and, while I explained to him at great length the reasons which support the said propositions, I have pointed out to him that in framing them you had kept in highest account the various observations brought to your notice in the past regarding the necessity of the Austro-Hungarian Monarchy. I have then expressed the hope that he would let me have with the greatest possible haste an answer which I trusted may be favorable. On his request I then left with him the text written in French, of the above-named articles.

Baron Burian, after having listened to me attentively, limited himself to saying that he would examine with the greatest care your Excellency's propositions and would let me know his answer in the shortest possible time.

AVARNA.

LXVI. The Royal Minister at Nisch to the Minister of Foreign Affairs

(Received April 10.)

(Telegram.)

Nisch, April 10, 1915.

According to confidential information a separate peace between Austria-Hungary and Russia would be possible.

SQUITTI.

**LXVII. The Minister of Foreign Affairs to the Royal
Ambassador at Vienna**

(Telegram.)

Rome, April 13, 1915.

It is most urgent that your Excellency hasten an answer to our demands.

SONNINO.

**LXVIII. The Royal Minister at Sofia to the Minister of
Foreign Affairs**

(Received April 14.)

(Telegram.)

Sofia, April 13, 1915.

Rumors are circulating of a possible separate Austro-Russian peace. In the political circles at Vienna, Austro-Hungarian peace with Russia is spoken of, with the aim of having her hand free against Italy.

CUCCHI.

**LXIX. The Royal Ambassador at Vienna to the Minister of
Foreign Affairs**

(Received April 14.)

(Telegram.)

Vienna, April 14, 1915.

I have spoken today with Baron Burian and I have solicited an answer to our requests, which we consider very urgent.

Baron Burian has told me that he hoped to give me an answer Friday evening.

AVARNA.

**LXX. The Royal Ambassador at Berlin to the Minister of
Foreign Affairs**

(Received April 16.)

(Telegram.)

Berlin, April 15, 1915.

The rumors of a tendency toward a separate peace of Germany and Austria-Hungary with Russia remain insistent and are continually acquiring strength.

BOLLATI.

**LXXI. The Royal Ambassador at Vienna to the Minister of
Foreign Affairs**

(Received April 17.)

(Telegram.)

Vienna, April 16, 1915.

Baron Burian has requested me to go today to the Ball Platz in order to communicate to me the answer to the proposals of your

Excellency. He began by telling me that the proposals of the Royal Government had been submitted to an accurate examination on the part of the Imperial and Royal Government, which had been obliged to acknowledge, with deep regret, that, on account of ethnographic, political, strategical, and economic reasons, it would be useless to explain that a large part of such proposals, especially those formulated in Articles II., III. and IV., were unacceptable. On the whole, those proposals would create for the Imperial and Royal Government a situation incompatible with its vital interests, and would be ill-adapted to the aim to which the Royal Government has always declared itself working, namely, to consolidate the mutual relations of Austria and Italy, and to base them on a perfect good faith; to eliminate every cause of misunderstanding and to render possible their co-operation in questions of general politics.

On this subject Baron Burian explained that a change in the frontier line toward the Isonzo would render difficult the military defense of that part of the monarchy's frontier, and would place the frontier of Italy too near to the City of Trieste. To detach this city from Austria-Hungary would deprive the latter of its most important centre of maritime traffic and put in possession of Italy the principal line of communication between that city and Germany. Finally the acquisition of the Curzolari Islands, which dominate Dalmatia, would make Italy mistress of those regions, and the Adriatic Sea would become an Italian sea, in the case Italy maintained possession of Valona. Baron Burian added that he, on his part, being sincerely actuated by the considerations which he had explained to me previously and on which he insisted, and which had also been put forward by your Excellency, and desiring to show Italy to the extreme possible limit his desire of arriving at a definite and durable understanding, the Imperial and Royal Government was disposed to extend the cession of the territories in Southern Tyrol to which it had consented in the communication made to me on the 1st inst.

According to this new proposal, the future line of frontier would detach itself from the present frontier near Zufallspitze and would follow for a while the border between the district of Cles, on one side, and the district of Schlanders and Merano on the other, that is, the hydrographic line between the Noce and the Adige to Illmenspitze. The line would pass west of Proveis, so that this town would continue to be a part of Tyrol; it would reach the Torrent Pescara and would follow the course of this till it reaches the Noce, from which the northern line would detach itself from the district of Mezzolombardo and would reach the Adige south of Salorno. It would then mount to the Geiersberg, it would follow the hydrographic line between the Valley of the Avisio through Castiore and would turn toward Hornspitze and Monte Comp.

Then it would turn south, describing a semicircle, which would leave the Township of Altrei to Tyrol and would go north to the hill of San Lugano. It would follow the border between the district of Bolzano and of Cavalese, that is, the hydrographic line between the Valleys of the Avisio and the Adige, and would pass through the summits of Rocca and Grimmjoch to the Latemar. From the hill Carnon it would descend toward the Avisio, would cross this river between the Townships of Moena and Forno and would turn north toward the hydrographic line of the Valley of San Pellegrino to the

north and of Travnigolo to the south. It would reach the present frontier line east of the summit of the Bocche.

Therefore, the Imperial and Royal Government would be unable to accept the frontier line indicated in Article I. of the proposals of your Excellency.

As to the proposal, contained in Article V., according to which the territories ceded by Austria-Hungary should be immediately transferred to Italy, Baron Burian has observed that the rearrangements that such a proposal would carry with it, which would be impracticable even in time of peace for various reasons of general administration, and of other nature, would be even more so in time of war. On this subject, he added, that, without quoting other historical examples, it was sufficient to remember the procedure adopted on the occasion of the cession of Nice and Savoy to France in 1860, in which, even after the conclusion of peace, a certain number of months elapsed between the conclusion of the convention and the actual transfer of the ceded territories.

I have considered it expedient to remark to Baron Burian that the precedent of Nice and Savoy was not to be compared to the present. Baron Burian, after answering that he could not agree with me on this question, added that there was no objection on the part of the Imperial and Royal Government to the acceptance of the proposal contained in Article VIII. relative to the amnesty to be accorded to all persons belonging to the territories ceded to Italy who had been convicted or brought to trial for political or military reasons.

Coming afterward to discuss the question of Albania in general and that of Valona in particular, Baron Burian told me that the Imperial and Royal Government could not but state that the proposal formulated by the Royal Government in Articles VI. and VII. could hardly be put in harmony with the obligations assumed by the Royal Government on four occasions, namely, the Austro-Hungarian-Italian agreement of 1900 and 1901 and the decision of the London Conference, its declaration of August 4 of last year to remain faithful to the assumed obligations toward Austria-Hungary and to the decision of the London Conference of not being willing to profit in any way in Albania from the fact that Austria-Hungary was involved in war and its formal declarations on the occasion of the Italian occupation of Valona.

On the other hand, the Imperial and Royal Government, being impressed with the necessity of maintaining the rights and mutual obligations resulting from the existing agreements and of persevering in the attitude which it had always maintained in the Albanian question, could not disinterest itself in Albania, a region so near the sphere of its most sensitive interests, to the creation of which it had contributed, together with Italy, not only politically, but also through important sacrifices of a military (partial mobilization of 1913), economic and financial nature. On the other hand, on account of the decisions of London the Albanian question had become a European question, so that neither one nor more of the great powers could dispose of it singly or together, or through an understanding concerning Albania, whose existence and neutrality have been placed under the guarantee of Europe.

For this reason it is only with the unanimous consent of the pow-

ers—a condition unattainable during the war—that the political situation of Albania can be modified.

Nevertheless, the Imperial and Royal Government, faithful to the spirit of the Austro-Hungarian-Italian agreement concerning Albania, perceiving in the Albanian question one of the problems of general politics concerning which the co-operation of Austria-Hungary and Italy might eventually continue in the future, declares itself always disposed to discuss with the Government of the King the mutual interests in Albania on the basis of the present situation, or to submit to revision the mutual agreements in case future political changes should make it necessary to do so for one or the other party.

Passing then to examine the obligations to be assumed by Italy, Baron Burian has made it known to me that the Imperial and Royal Government was anxious to call to attention the fact that Turkey, having united herself to Austria-Hungary and Germany, through her participation in the war, the neutrality, to which Italy would pledge herself to the end of the war, should include also the Ottoman Empire.

As to Article II. (II?) Baron Burian told me that the Imperial and Royal Government would accept the proposal formulated in it, if in the same article there were inserted after the words "present war" the sentence "concerning also the territorial or other advantages that might come to Austria-Hungary from the treaty of peace which will end the present war."

He added that the renunciation on the part of the Imperial and Royal Government of a compensation for the Italian occupation of the islands of Dodekanese would be subordinated also to this condition.

Concerning Article IX. Baron Burian made it known to me that, although he was not yet in a position to define accurately the proportion of the public debt belonging to the territories to be ceded to Italy, nor the lump sum that Austria-Hungary will have to claim as an indemnity for the investments made by the State in the territory in question, the Imperial and Royal Government must nevertheless declare at this time that the figure proposed by the Royal Government would be entirely insufficient and would not represent even approximately a just indemnity. He added that, to mention only one point, he would state that the mere value of the military establishments in the territory to be ceded to Italy greatly surpasses the total sum proposed by the Royal Government. However, being unwilling to prejudice the conclusion of an agreement by considerations of a financial order, the Imperial and Royal Government declares itself ready to submit the question of a pecuniary indemnity to The Hague Tribunal of Arbitration, in case there should be a disagreement with the Royal Government. Giving me finally a memorandum concerning the matters explained by him, Baron Burian concluded, expressing the hope that your Excellency would appreciate the motive which had induced the Imperial and Royal Government to make the new sacrifice in favor of Italy.

I answered Baron Burian that I would make haste to telegraph to your Excellency what he had communicated to me in answer to the proposal formulated by you.

AVARNA.

**LXXII. The Minister of Foreign Affairs to the Royal
Ambassador at Vienna**

(Telegram.)

Rome, April 21, 1915.

I have examined the answers given to your Excellency by Baron Burian concerning the concessions that Austria-Hungary would be ready to make, and I am sorry to be obliged to declare that they do not seem to me to form a basis sufficient for an accord such as to create between the two States that durable and normal situation which would be our common desire.

In one question only, that one concerning the Trentino, the Imperial and Royal Government has shown itself disposed to cede something more as compared to its first proposals, but even here nothing has been provided in order to apply a remedy to the greatest inconveniences of the present situation, both from a linguistic and ethnological point of view and from the military one.

To all the other requests Baron Burian answers with a mere negation, not taking into consideration all our reasons.

Regarding Albania and Valona, the argument put forth by Baron Burian in order to defend his refusal is that different pacts between Austria and Italy already exist and that, furthermore, there is a European agreement on this question. What we asked exactly was that the previous accords with Austria-Hungary be modified, with mutual consent, the Imperial and Royal Government disinteresting itself completely from whatever agreement we could obtain on this subject with Europe, just as we would disinterest ourselves (see Article XI. of our proposition) from what Austria-Hungary could arrange at the end of the war as far as the Balkans were concerned.

As for Article XI., I had already in mind that the renunciation to invoke the terms of Article VII. refer not only to the war, but also to the advantages which would result from the treaty of peace for one party or the other, respectively, in the Balkans and in the Dodekanese.

Regarding Article IX., I admit that it is still possible to discuss the amount of the sum to be assumed by Italy as her "quota" part of the public debt of the empire, but we could not take into account the value of the investments that would have been made by the State in the ceded territories, and this for the reasons already expounded in my telegram of April 8 (Document 64).

Where the discord appears to be hopeless is in regard to Article V., which concerns the date of the execution of the eventual accord which we might reach. Here, too, I cannot but refer to the reasons already put forth, for which no Italian Government could now make itself the guarantor of the integral execution of a pledge in which the consignment of what should be given in exchange be postponed to the end of the war.

SONNINO.

LXXIII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 22.)

(Telegram.)

Vienna, April 21, 1915.

I have spoken to Baron Burian according to the telegram of your Excellency, letting him know that the answers that he had given me in the interview of Friday last concerning the cessions that Austria-Hungary was disposed to make did not seem to your Excellency to form a basis suitable for an agreement according to mutual desires, and I afterward communicated to him the various observations made by you regarding the answer.

Baron Burian told me that he had noted the communication that I made to him, but, since he desired accurately to examine the observations of your Excellency, he had decided to let me know his answer to the same in the shortest possible time. AVARNA.

LXXIV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 25.)

(Telegram.)

Vienna, April 25, 1915.

Although (in my various interviews with Baron Burian) I have always done all I could in order to convince him of the necessity of not postponing giving satisfaction to our national aspirations by agreeing to the propositions made by your Excellency, making him realize the grave consequences that a refusal would bring about, he has continued so far to dwell on vain discussions, as your Excellency may have noticed, and does not seem to have an exact idea of the real condition of things prevailing in Italy. But what cannot but fail to be a matter of special surprise is the delusion under which apparently Baron Burian is still working, that the Royal Government might eventually become convinced of the great sacrifice made, by the Imperial and Royal Government, if it consented to the well-known cessions of territory in Southern Tyrol, and of its impossibility to make further concessions.

On the other hand, Baron Burian, as he has many times let me understand, cannot even conceive of the eventuality in which the Royal Government would declare war against Austria-Hungary and Germany, in the case that its requests were not accepted integrally.

Perhaps it is to be expected that, following the new and more insistent pressure which, it is to be foreseen, will be made by the German Government, Baron Burian might be induced partially to extend his territorial concessions in Southern Tyrol and to make some concession on the side of our eastern frontier.

Even admitting that Baron Burian were induced to make concessions and to extend them to the very limits fixed by the Royal Government, there would still remain to be solved other important ques-

tions, namely, that of making of Trieste an autonomous State, of the cession of the Curzolar Islands, and of the disinterestedness of the monarchy in Albania, concerning which, if we are to take into account the indications shown me about this matter by Baron Burian, it is to be doubted that the Imperial and Royal Government can yield.

If, then, through unforeseen circumstances, the Imperial and Royal Government should end by yielding at the last moment also on this point, as it already has on the questions of principles, a thing rather improbable, there would always still remain the grave question of the immediate execution of the agreement.

As to that question which has been deemed by us a condition *sine qua non* of the same agreement, it is to be considered as extremely difficult, as your Excellency affirms, that the discords which exist concerning the matter between the Royal Government and the Imperial and Royal Government be settled in view of the stubborn resistance made by Baron Burian on that question.

So that an agreement with Austria-Hungary on the basis of the propositions formulated by your Excellency seems almost unattainable in the present state of affairs.

AVARNA.

LXXV. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Received April 30.)

(Telegram.)

Vienna, April 29, 1915.

Having betaken myself today to the Ball Platz on the request of Baron Burian, he told me that he had begged me to see him in order to let me understand his opinion concerning the observations made by your Excellency to the answers given by him to the propositions formulated by the Royal Government communicated by me to him in the conversation of the 21st inst.

In pointing out how such answers had seemed to your Excellency not to form in themselves a basis likely to secure the good interest and lasting harmony at which both Governments were aiming, Baron Burian made me understand that he wished to state that his sincere desire, many times shown me, to come to a definite agreement with Italy had met serious difficulties in the fact that some of the above-mentioned propositions touched the vital interests of Austria-Hungary. Now the abandonment of these interests would create for the monarchy such a situation, not only toward Italy, but also toward the other powers, that her part (Austria's) in the political co-operation which your Excellency had in mind would naturally be diminished.

He observed thus above all, as far as Trieste was concerned, that in virtue of the Austro-Hungarian Constitution this city enjoyed a large autonomy. She formed a territory of her own, and her Communal Council was invested with the functions of the provincial Diets. The Italian element was largely represented in the autonomous administration of the city. Its number, the grade of its culture and its economic condition assured it, besides the constitutional guarantees,

a satisfactory existence from every point of view. Cutting Trieste and its environs from the Austro-Hungarian Monarchy, making of it a separate State would mean to give a mortal blow to the economic prosperity of that city which, deprived of its hinterland, would lose all its importance—a prospect which, even with annexation to Italy, to which it would be only a superfluous port on the outskirts, could not be changed in any manner whatsoever.

Trieste has always formed an object of special solicitude on the part of the Imperial and Royal Government which, in the well understood interest of the State, would continue also in the future to favor its material and intellectual progress in conformity with the aspirations of the population, which prosperity depended entirely on the bond which united it with Austria-Hungary, which, while asking for the loyalty of the citizens, had never done anything to wound their national character.

I could not help pointing out to Baron Burian as my personal opinion that we could not admit in any way what he affirmed, that is, that the Imperial and Royal Government had never done anything to wound the national character of the population of Trieste. And I recalled to him on this matter the interminable question of the Italian University at Trieste, which had given birth to frequent long discussions and confidential negotiations between the two Governments, and which had provoked in many circumstances lively agitation in Italy. I also recalled the favorable treatment given to the Slovenic schools to the disadvantage of the national Italian educational ideals in that city.

But Baron Burian, proceeding, hinted at the proposition relative to the cession to Italy of the Curzolar Islands, and observed that this also clashed with insurmountable difficulties. Aside from the purely Slavonic nationality of those islands, the latter would represent in the hands of Italy a strategical position which would dominate, on the one hand, the upper part of the Adriatic, where there could no longer be a question of equilibrium for Austria-Hungary, and, on the other hand, it would even threaten the possession itself of the adjacent coasts.

Concerning the cession of territories proposed in Austrian Friuli, Baron Burian pointed out that it would deprive Austria of an indispensable frontier for defense, not only on the one side of her littoral, but also for various of her central provinces, and, besides, it would make the Italian frontier nearer to Austria's principal port. After all, the Italian element was only weakly represented, at least in a great part of the territory in question, which was populated by Slavs.

Finally, turning to Tyrol, Baron Burian made me understand that if, according to its future delimitation, as it had been outlined in the last Austro-Hungarian proposition, a part of the Valley of the Noce as well as of the Valleys of Fassa and Ampezzo were excluded from the cession of territories, the cause which had given birth to this decision was certainly not of Austria's wish to keep some regions of the Italian tongue.

First of all, this was not the reason for the Valleys of Fassa and Ampezzo, whose population is "Ladina" (Grigioni), who wish to remain united to Austria-Hungary with all the strength of their heart, and gravitate exclusively toward the north in accordance with all their interests.

Overwhelming strategical reasons created for Austria-Hungary the necessity of conserving the eastern part of the Valley of the Noce, which, without the heights protecting the region of Bolzano, would remain badly defended. And he added that supposing that for the one or for the other of the above-mentioned localities we would, on our side, oppose to his point of view arguments more or less analogous, it was necessary not to lose sight of the fact that for Austria-Hungary, it was a question of the friendly cession of a portion of her centuries-old possessions, and that the arguments of one who, in the present case, abandons safe frontiers ought, according to the nature of things, have precedence over the arguments of him who acquires (them).

Coming then to speak of the requests concerning the immediate execution of the territorial cessions, Baron Burian told me that he had not given up the hope that your Excellency, submitting the question to a profound examination, would recognize the material impossibility of such a provision.

The absolute secret of the negotiations impeded until the conclusion of the agreement all of the military, administrative, and other preparations which should precede the consignment of the ceded territory.

Now, all these preparatory measures require a certain time and could not be improvised at the last moment.

And this, without taking into account the situation which would be created for Austria-Hungary by Italy's taking possession of the territory in question in a moment in which the Austria-Hungarian Monarchy was involved in a vast war, and in which, as a consequence, the major part of its territory was lacking means of defense, its army being concentrated at different theatres of war.

Wishing, however, to facilitate as far as possible the position of the Royal Government, at a certain moment, before Parliament and before public opinion, measures could be taken which would demonstrate to the eyes of the whole world the true and serious willingness to follow out faithfully the assumed pledges. With such an end in view, as soon as the agreement were concluded, it would be possible to proceed to the convocation of a mixed commission to whom would be delegated the settlement of multifarious questions of detail resulting from the cession of territories. The creation and the function of this commission would leave no shadow of a doubt existing as to the integral and definite execution of the above cession. Baron Burian added that if your Excellency wished, in your turn, to propose other provisions tending toward the same end, he would not fail to examine them with the best of dispositions and to accept them as far as possible.

I told Baron Burian that, in spite of these good intentions, I had to remind him regarding this question what I had already made him understand in previous interviews, namely, that the immediate execution of the agreement was a condition *sine qua non* of the same accord, so that I could not but refer to the reasons already communicated to him, for which no Italian Government could be a guarantor of the integral execution of all the assumed pledges in which the consignment of what should be given in exchange be postponed to the end of the war.

Passing then to speak of Article IX. of the proposals of your Ex-

cellency, Baron Burian told me that, although it would be very easy to demonstrate in an unquestionable manner that the sum offered by the Royal Government as "quota" part of the public debt and of the indemnity was very much below the value of the public property which would be ceded to Italy, he agreed with the opinion put forth by your Excellency, that such a question ought not to hinder the conclusion of the agreement if the accord had been reached on all of the other points of the proposal. It was exactly with this order of ideas in view and to give an extra proof of his desire to envelop the cession of territories with reassuring guarantees that, if necessary, he proposed to submit the financial controversy to an international court, namely, the Tribunal of The Hague.

As to all which concerned the Albanian question Baron Burian reiterated to me the expression of good-will to discuss with your Excellency the reciprocal interests in Albania, keeping in mind the changed circumstances during the present war, and to join with the Royal Government in a new agreement regarding the same, which could, in establishing anew the question on European ground, imply also the disinterestedness of Austria-Hungary provided that Italy would equally disinterest herself in Albania, to the exception of Valona and of the sphere of interests which would have there their centre, and that sufficient guarantees should be given against undertakings or establishments of other powers in Albania, an eventual-ity threatening the political and maritime interests of Austria-Hungary as well as those of Italy.

I told Baron Burian that I would let your Excellency know immediately the observations communicated to me by him concerning your propositions, but that I believed for my part that I ought to point out that, with the exception of some details suggested by him in regard to some of the propositions, he persisted in answering in a negative manner, especially those formulated in Articles I., II., III., IV., and V.

AVARNA.

LXXVI. The Minister of Foreign Affairs to the Royal Ambassador at Vienna

(Telegram.)

Rome, May 3, 1915.

I beg your Excellency to make the following communication to the (Austro-Hungarian) Minister of Foreign Affairs, with whom you will leave a written copy. (Original in French.)

The alliance between Italy and Austria-Hungary proved itself from its beginning an element and a guarantee of peace and was directed primarily to the principal end of a mutual defense. In view of future events and of the new situation which resulted therefrom, the Governments of the two countries were obliged to seek another aim no less essential, and in the course of successive renewals of the treaty they addressed themselves to safeguarding the continuity of their alliance, by stipulating the principle of previous agreements regarding the Balkans, with the end in view of conciliating the divergent interests and tendencies of the two powers.

It is extremely clear that the loyal observances of these

stipulations would have sufficed to furnish a solid basis for common and fruitful action. On the contrary, Austria-Hungary, during the Summer of 1914, without any agreement with Italy, without even letting her have the slightest notification of her intentions, and without taking into any account the counsels of moderation which were addressed to her by the Royal Government, addressed to Serbia on the 23d of July the ultimatum which was the cause and the starting point of the present European conflagration.

Austria-Hungary, in neglecting the obligations existing under the treaty, profoundly disturbed the status quo in the Balkans, and created a situation from which she alone was destined to profit, to the disadvantage of the interests of the greatest importance, which her ally had many times affirmed and proclaimed.

A violation so flagrant of the letter and of the spirit of the treaty, not only justified the refusal of Italy to place herself on the side of her allies in a war provoked without her knowledge, but at the same time deprived the alliance of its essential meaning and of its reasons for existing.

Even the pact of benevolent neutrality provided for by the treaty was compromised by this violation. Reason and sentiment are indeed in accord for excluding that the benevolent neutrality be maintained when one of the allies takes up arms for the realization of a program diametrically opposed to the vital interests of the other ally, interests the safeguarding of which constituted the principal reason of the alliance itself.

Notwithstanding this, Italy has endeavored for several months to create a situation favorable to the re-establishment between the two States of those friendly relations which constitute the essential foundation of all co-operation in the domain of general politics.

To this end and with this hope the Royal Government declared itself disposed to enter upon an understanding having as a basis the satisfaction in an equitable manner of the legitimate national aspirations of Italy, and which would have served at the same time to reduce the existing inequality in the reciprocal situation of the two States in the Adriatic.

Nevertheless these negotiations did not lead to any appreciable result.

All the efforts of the Royal Government encountered the resistance of the Imperial and Royal Government, which, after several months, decided only to acknowledge the special interests of Italy in Valona and to promise an insufficient concession of territories in the Trentino—a concession which does not lead to a normal settlement of the situation, either from the ethnological view or the political view, or the military point of view.

Furthermore, this concession was only to have its fulfillment at the end of an undetermined period, that is, only at the end of the war.

In this state of affairs, the Italian Government must re-

nounce the hope of reaching an agreement, and sees itself constrained to withdraw all its propositions for an accord.

It is equally useless to keep up an appearance of formal alliance, which would only help to disguise the existence of a continuous distrust and of daily disagreements.

That is why Italy, confident in her good right, affirms and proclaims that from this moment she resumes her entire freedom of action, and declares her treaty of alliance with Austria-Hungary to be void and henceforth of no effect.

SONNINO.

LXXVII. The Royal Ambassador at Vienna to the Minister of Foreign Affairs

(Telegram.)

Vienna, May 4, 1915.

I have today made the communication that your Excellency ordered me to make to Baron Burian.

AVARNA.

Annex I

On May 21, 1915, Baron Burian, the Austro-Hungarian Minister of Foreign Affairs, sent the following note to the Duke Avarna, the Italian Ambassador at Vienna:

The Austro-Hungarian Foreign Minister has had the honor to receive the communication concerning the annulment (*Aufhebung*) of the Triple Alliance Treaty, which the Italian Ambassador, on instructions from the Royal Italian Government, made on the 4th of May. With painful surprise the Austro-Hungarian Government takes cognizance of the decision of the Italian Government to put an end in such an abrupt manner (*auf so unvermittelte Weise*) to a treaty which was based on the community of our most important political interests, which has guaranteed security and peace to our States for so many years, and which has rendered Italy notorious services. This astonishment is so much the more justified in that the facts advanced in the first rank by the Royal Government as the foundation of its decision go back to more than nine months, and because the Royal Government since then has repeatedly announced its wish to maintain and even to strengthen the bonds of alliance between both our countries, a desire which in Austria-Hungary always secured a favorable reception and cordial echo.

The grounds which forced the Austro-Hungarian Government in July of last year to send an ultimatum to Serbia are too well known for it to be necessary to repeat them here. The aim which Austria-Hungary had in view was purely and simply to protect the monarchy against the revolutionary machinations of Serbia, and prevent the continuance of an agitation which aimed at the dismemberment of Austria-Hungary, and which led to several outrages, and finally the

tragedy at Serajevo. This aim could in no way affect the interests of Italy, for the Austro-Hungarian Government has never supposed, and considered it out of the question, that Italy's interests could in any way be identified with criminal intrigues against the security and territorial integrity of Austria-Hungary, unfortunately tolerated and encouraged by the Belgrade Government. The Italian Government, moreover, was informed and knew that Austria-Hungary had no intentions of conquest in Serbia. It was expressly declared in Rome that Austria-Hungary, if the war remained localized, had no intention of attacking the territorial integrity or sovereignty of Serbia.

When, in consequence of Russia's intervention; the purely local conflict between Austria-Hungary and Serbia, contrary to our desires, assumed a European character, and Austria-Hungary and Germany saw themselves attacked by several great powers, the Royal Government proclaimed Italy's neutrality, without, however, throwing out the slightest suggestion that this war, which had been provoked by Russia and prepared for long beforehand, could be of a nature to deprive the Triple Alliance Treaty of its *raison d'être*. It suffices to recall the declarations which at that date the late Marquis di San Giuliano made and the telegram which his Majesty the King of Italy, on Aug. 2, 1914, addressed to his Majesty the Emperor-King to make it clear that the Royal Government at that time saw nothing in Austria-Hungary's proceeding which was contrary to the stipulations of our Alliance Treaty.

Attacked by the powers of the Triple Entente, Austria-Hungary and Germany had to defend their territories, but this defensive has in no wise as its object "the realization of a program opposed to Italy's vital interests." These vital interests, or what we could know of them, were in no way threatened. If, moreover, the Italian Government had doubts in this regard it would have been able to assert them, and would certainly have found both in Vienna and Berlin the best will to protect these interests. The Royal Government at that time held the view that both its allies, considering the situation, could not invoke the *causus foederis vis-a-vis* Italy, but it made no communication which could justify the belief that it regarded the proceeding of Austria-Hungary as a "flagrant violation both in letter and spirit of the Alliance Treaty." The Cabinets of Vienna and Berlin, even though deploring Italy's resolution to remain neutral, (a resolution which, in our view, was hardly compatible with the spirit of the treaty,) nevertheless loyally admitted the view of the Italian Government, and the exchange of views which then took place established the unaltered maintenance of the Triple Alliance. Precisely with reference to this treaty, and especially Article VII., the Royal Government presented its claims, which aimed at securing certain compensations in the event of Austria-Hungary obtaining advantages from the war, territorial or otherwise, in the Balkan Peninsula. Austria-Hungary accepted this standpoint, and declared herself ready to submit the question to examination, at the same time pointing out that, so long as the eventual advantages accruing to Austria-Hungary remained unknown, it was difficult to fix such compensations. The Royal Government shared this view, as is clear from the declaration of Aug. 25, 1914, of the late Marquis di San Giuliano, as follows: "It would now be premature to speak of compensations, and the observations of the Duke of Avarna after our withdrawal from Serbia, at

present the compensation motive, (*Kompensationsobjekt*,) does not exist."

Nevertheless, the Austro-Hungarian Government has always been ready to begin conversations on this subject. When the Royal Italian Government, while still repeating its wish to maintain and strengthen the alliance, adduced certain demands which, on the plea of compensation, concerned the cession of integral constituent parts of the monarchy to Italy, the Austro-Hungarian Government, which laid the greatest store by the maintenance of the best relations with Italy, accepted even this basis of negotiation, although, in its opinion, Article VII. never referred to the territories of the treaty-bound parties, but related purely and simply to the Balkan Peninsula. In the negotiations on this subject the Austro-Hungarian Government showed itself guided by a sincere desire to reach an understanding with Italy, and although for ethnical, political, and military reasons, which have been amply explained in Rome, it was impossible to accede to all the demands of the Royal Government, nevertheless the sacrifices which the Austro-Hungarian Government was prepared to make were so important that they were only justified by the desire to uphold an alliance existing for so many years to the common advantage of both countries.

The Royal Government objects that the concessions offered by Austria-Hungary were only to be realized at an indefinite time, namely, at the end of the war, and seems to conclude therefrom that these concessions would therefore lose their entire value. The Austro-Hungarian Government, while emphasizing the material impossibility of an immediate surrender of the ceded territory, showed itself none the less ready to offer all necessary guarantees for the purpose of preparing for this transfer, and insure its even now being carried out at no distant date. The obvious good-will and conciliatory spirit of which the Austro-Hungarian Government has given proof in the course of the negotiations seem in no way to justify the opinion of the Italian Government that every hope must be abandoned of reaching an agreement. Such agreement can, however, only be reached when on both sides there prevails the same sincere desire for an understanding.

The Austro-Hungarian Government cannot take cognizance (*vermag nicht zur Kenntniss zu nehmen*) of the declaration of the Italian Government that it desires to recover complete freedom of action, and consider null and as henceforth of no effect the alliance treaty with Austria-Hungary, as such declaration of the Royal Government is in absolute contradiction to the solemnly undertaken obligations which Italy, in the treaty of Dec. 5, 1912, assumed, and which insured the duration of our alliance to July 8, 1920, permitting its denunciation only in the year beforehand, and not providing for denunciation or nullification before that date. The Royal Italian Government in an arbitrary manner has disburdened itself of all its obligations. The Austro-Hungarian Government declines responsibility for all consequences that may arise from this procedure.

BURIAN.

Annex II

Note of Baron Sonnino, Italian Foreign Minister, communicated to Italian representatives abroad and to foreign Governments on May 23, 1915:

Rome, May 23, 1915.

A clear proof of the eminently conservative and defensive character of the Triple Alliance is to be found in the letter and spirit of the treaty, and in the policy clearly manifested and confirmed by the official acts of the Ministers who created the alliance, and who were responsible for its renewals.

Italian policy has ever been inspired with the ideals of peace. Austria-Hungary, in provoking a European war, in refusing to accept Serbia's reply which gave Austria-Hungary all the satisfaction which she could legitimately demand, in refusing to listen to the conciliatory proposals which Italy had made in conjunction with other powers in order to preserve Europe from an immense conflict, which would drench it in blood and pile up ruins on a scale hitherto unknown and undreamed of—Austria-Hungary tore up with her own hands the Treaty of Alliance with Italy, which, so long as it was loyally interpreted other than as an instrument of aggression against others, had been a valuable factor in eliminating and settling disputes, and in securing for many years to come the inestimable benefits of peace.

The first article of the treaty reaffirmed the logical and general principle of every treaty of alliance, namely, the obligation to exchange views on political and economic questions of a general nature which might arise. It followed that neither contracting party was at liberty to undertake, without previous mutual agreement, action by which the other contracting parties might incur any obligation under the Treaty of Alliance, and in any way affect their most important interests. Austria-Hungary, by sending her note of July 23, 1914, to Serbia without previously consulting Italy failed in this duty; Austria-Hungary thus violated unquestionably one of the fundamental clauses of the treaty. Austria-Hungary was all the more under the obligation to consult Italy first, inasmuch as her uncompromising action against Serbia had created a situation directly tending to provoke a European war, and as early as the beginning of July, 1914, the Royal Government, who were anxious, in regard to the way things were shaping at Vienna, had repeatedly counseled moderation, and had warned the Imperial and Royal Government of the possible danger of a general European crisis.

The action taken by Austria-Hungary against Serbia was, moreover, directly in opposition to Italian general political and economic interests in the Balkan Peninsula. It is not possible that Austria could have thought that Italy would remain indifferent to any diminution of Serbian independence. Our warnings had not been lacking on this point. For many years Italy had from time to time warned Austria, in friendly but unequivocal terms, that she considered the independence of Serbia an essential factor in the balance of power in the Balkans, which Italy herself could never allow to be disturbed to her detriment. And this spirit was not only expressed in the private conversations of her diplomats, but her statesmen proclaimed it loudly and publicly in her Parliament.

When, in delivering an ultimatum to Serbia, Austria not only failed—in defiance of all custom—to consult us beforehand, but used every effort to conceal it from us, so that we only heard of it simultaneously with the public through the telegraphic agencies before we were informed diplomatically, she not only placed herself outside the alliance with Italy but showed herself an enemy of Italian interests.

It became clear to the Royal Government, from trustworthy information in their possession, that the whole trend of Austro-Hungarian action in the Balkans would lead to a very serious impairment of the political and economic position of Italy, because it aimed directly or indirectly at the subjugation of Serbia, the political and territorial isolation of Montenegro, and the isolation of Rumania and the diminution of her political importance. This impairment of Italy's position in the Balkans would have been brought about even if Austria-Hungary had had no idea of territorial aggrandizement. It is sufficient to remark that the Austro-Hungarian Government were under an express obligation to take Italy into consultation by virtue of a special article of the Treaty of the Triple Alliance, which established the bond of a defensive agreement and the right to compensation among the allies in the case of the temporary or permanent occupation of any part of the Balkans. The Royal Government began conversations on the subject with the Imperial and Royal Government immediately at the beginning of hostile action by Austria-Hungary against Serbia, receiving, after some reluctance, an adhesion in principle.

Those conversations were begun immediately after July 23, with a view to giving to the treaty, which had been violated and therefore annulled by the action of Austria-Hungary, a new element of life, which could only be effected by the conclusion of new agreements.

Conversations were reopened on a rather more definite basis in the month of December, 1914. The Royal Ambassador at Vienna then received instructions to inform Count Berchtold that the Italian Government considered it necessary to proceed without any delay to an exchange of ideas, with a view to negotiating with the Government on concrete points in order to clear up the whole situation arising out of the conflict provoked by Austria-Hungary. Count Berchtold refused at first, on the ground that he did not think it was necessary, in the present circumstances, to enter into negotiations. But in consequence of our reply, with which the German Government associated themselves, Count Berchtold subsequently informed us that he was ready to enter into the exchange of ideas which we had proposed.

We accordingly immediately set out the fundamental broad lines of our point of view, that is to say, we declared that the compensation that we had in mind as affording the basis of a possible agreement must envisage territories now under the domination of Austria-Hungary.

The discussions continued from month to month from the beginning of December until March, and it was not until the end of March that Baron Burian made us an offer of a zone of territory extending slightly to the north of the town of Trent. In return for this cession Austria-Hungary demanded from us in her turn numerous reciprocal engagements, including full and complete freedom of action in the Balkans.

It should be noted that the Austro-Hungarian Government did not contemplate that the cession of territory in the Trentino should be effected immediately, as we had demanded, but only at the end of the present war. We replied that we could not possibly accept the offer, and we formulated the minimum concessions that would be in any way consistent both with our national aspirations and with the improvement of our strategical position on the Adriatic. Such requirements included a somewhat larger district of the Trentino, a new district on the Isonzo, the special treatment of Trieste, the cession of some islands of the Curzolari Archipelago, a declaration of Austria's disinterestedness in Albania, and the recognition of our possession of Valona and the Dodekanese.

All our requests met at first with a categorical refusal. It was only after another month of conversations that Austria-Hungary was induced to increase the zone of territory to be ceded in the Trentino, setting the limit at Mezzolombardo, but excluding Italian districts, as, for instance, the whole side of the Valley of Noce, the Val di Fassa, and the Val di Ampizzo, and leaving us a boundary which did not correspond in any way to strategical requirements. Moreover, the Austrian Government firmly adhered to their refusal to make any cession effective before the end of the war. The repeated refusals of Austria-Hungary were explicitly confirmed in a conversation between Baron Burian and the Royal Ambassador at Vienna on April 29 last, the upshot of which was that the Austro-Hungarian Government, while admitting the possibility of recognizing to a certain extent our preponderant interest at Valona and the aforesaid cession of territory in the Trentino, persisted in giving a negative reply to almost all our other demands, and especially to those regarding the line of the Isonzo, Trieste, and the islands.

From the attitude adopted by Austria-Hungary from the beginning of December to the end of April it became quite clear that she was merely trying to temporize without achieving any definite results. In these circumstances Italy found herself face to face with the danger that all her aspirations, whether traditional or ethnical, and her desire for security on the Adriatic, would be lost forever, while on the other hand the European war menaced her highest interests in other seas.

Owing to this fact it became at once a duty and a necessity for Italy to recover the liberty of action which was her right, and to seek to preserve her interests by other means than those employed in the negotiations fruitlessly pursued for five months; and by other means than through the treaty of alliance, which by the action of Austria-Hungary had virtually been at an end since July, 1914.

It will not be inappropriate to observe that once the alliance had come to an end there was no longer any reason for the Italian people to maintain the attitude of acquiescence which had been dictated by their sincere desire for peace nor to repress any longer—as they had so long forced themselves to do—the indignation caused by the treatment to which the Italian population in Austria was subjected. It is true the treaty contained no formal provision for safeguarding the Italian language, traditions, or civilization in the regions inhabited by our compatriots in Austria-Hungary.

But since it was sought to give to the alliance an appearance of sincere peace and harmony, it is obvious that there was a moral

obligation on the part of our ally to pay strict regard to and scrupulously to respect the vital interests involved for us in the racial distribution on the Adriatic Coast.

As a matter of fact, the constant policy of the Austro-Hungarian Government aimed for many years at the destruction of Italian nationality and civilization along the coast of the Adriatic. It will only be necessary to give a few short instances of facts and tendencies already too well known to every one; systematic substitution for officials of Italian nationality of officials of other nationalities; the importation of hundreds of families of different nationality, the creation at Trieste of co-operative societies of foreign workmen, the Hohenlohe decrees which aimed at excluding all Italian officials from the public life of Trieste, the denationalization of the judicial administration, the question of the university, which formed the subject of diplomatic negotiations, the denationalization of the steamship companies, the action of the police and political trials tending to favor other nationalities at the expense of the Italians, the systematic expulsion of Italians, wholly unjustified and constantly increasing in number.

The unchanging policy of the Imperial and Royal Government toward the subject Italian population was not solely inspired by internal motives due to the existence of contending nationalities within the Austro-Hungarian Monarchy, but appears, on the contrary, to have been caused in great part by a deep-rooted sentiment of hostility and aversion for Italy, which prevails in certain circles which are in close touch with the Austro-Hungarian Government, and which have a dominating influence on its decisions. From among many proofs of this which could be cited, it may suffice to mention that in 1911, while Italy was engaged in war with Turkey, the General Staff at Vienna made preparations that grew more and more obvious for an attack upon us, and the military party made most active attempts to win over to its views the other factors responsible for the action of the monarchy.

At the same time the armed preparations on our frontier assumed an openly offensive character. The crisis came to a pacific solution, as far as can be judged, owing to the influence of external factors. But from that time onward we have remained under the impression that we might unexpectedly find ourselves exposed to armed menace whenever the party hostile to us might obtain predominance at Vienna. All this was known to Italy, but (as has been said before) a sincere desire for peace prevailed among the Italian people.

When new conditions came into existence Italy tried to see whether, even under such circumstances, it might be possible to find a more solid basis and a more durable guarantee for her treaty with Austria-Hungary. But her endeavors, conducted over a period of many months in constant accord with Germany, who agreed that negotiation was legitimate, were spent in vain. Hence Italy has found herself forced by the course of events to seek other solutions, and since the Treaty of Alliance with Austria-Hungary had already virtually ceased to exist, and now only served to cloak the real situation—one of continual suspicions and daily differences—the Royal Ambassador at Vienna was instructed to declare to the Austro-Hungarian Government that the Italian Government considered itself freed from any binding power of the Treaty of Triple Alliance as far

as Austria-Hungary was concerned. This communication was made at Vienna on May 4.

After this declaration on our part, and after we had been forced to proceed to the legitimate protection of our own interests, the Imperial and Royal Government made new offers of inadequate concessions, which in no sense corresponded to the minimum demands of our former proposals. These offers could in no wise be accepted by us. The Royal Government, considering all that has been set forth above, strengthened by the votes of Parliament, and by the solemn manifestations of the nation, has resolved to make an end of delays, and on this day has declared to the Austro-Hungarian Ambassador at Rome, in the name of the King, that Italy considers herself in a state of war with Austria-Hungary from tomorrow, May 24th. Instructions in the same sense were telegraphed yesterday to the Royal Ambassador at Vienna.

SONNINO.

LIST OF PUBLICATIONS

Nos. 1-66 (April, 1907, to May, 1913). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

67. Music as an International Language, by Daniel Gregory Mason, June, 1913.
68. American Love of Peace and European Skepticism, by Paul S. Reinsch, July, 1913.
69. The Relations of Brazil with the United States, by Manoel de Oliveira Lima, August, 1913.
70. Arbitration and International Politics, by Randolph S. Bourne, September, 1913.
71. Japanese Characteristics, by Charles William Eliot, October, 1913.
72. Higher Nationality; A Study in Law and Ethics, by Lord Haldane, November, 1913.
73. The Control of the Fighting Instinct, by George M. Stratton, December, 1913.
A New Year's Letter from Baron d'Estournelles de Constant, December, 1913.
The A B C of the Panama Canal Controversy. Reprinted from The Congressional Record, October 29, 1913. December, 1913.
74. A Few Lessons Taught by the Balkan War, by Alfred H. Fried, January, 1914.
Wanted—A Final Solution of the Japanese Problem, by Hamilton Holt, January, 1914.
The South American Point of View, by Charles Hitchcock Sherrill, January, 1914.
75. The Carnegie Endowment for International Peace, by Nicholas Murray Butler, February, 1914.
76. Our Relations with South America and How To Improve Them, by George H. Blakeslee, March, 1914.
77. Commerce and War, by Alvin Saunders Johnson, April, 1914.
A Panama Primer. Reprinted from *The Independent*, March 30, 1914. April, 1914.
78. A Defense of Cannibalism, by B. Beau. Translated from *Le Reue* of February 15, 1909, by Preston William Slosson, May, 1914.
79. The Tradition of War, by Randolph S. Bourne, June, 1914.
The Causes Behind Mexico's Revolution, by Gilbert Reid. Reprint from the *New York Times*, April 27, 1914. June, 1914. The Japanese in California, June, 1914.
80. War and the Interest of Labor, by Alvin S. Johnson. Reprint from the *Atlantic Monthly*, March, 1914. July, 1914.
81. Fiat Pax, by George Allan England, August, 1914.
82. Three Men Behind the Guns, by Charles E. Jefferson, D.D., September, 1914.
Special Bulletin. The Changing Attitude toward War as reflected in the American Press. September, 1914.
83. Official Documents Bearing upon the European War. Reprinted Through the Courtesy of the *New York Times*, October, 1914.
Special Bulletin. The Great War and its Lessons, by Nicholas Murray Butler.
84. Additional Official Documents bearing upon the European War. November, 1914.
85. Documents Regarding the European War. Series III. December, 1914.
Special Bulletin. Contemporary War Poems. December, 1914.
86. Documents Regarding the European War. Series IV. January, 1915.
- Special Bulletin: Race and Nationality, by Frans Boas. January, 1915.
87. Documents Regarding the European War. Series V. February, 1915.
88. Documents Regarding the European War. Series V. March, 1915.
89. Documents Regarding the European War. Series VI. April, 1915.
90. Documents Regarding the European War. Series VII. May, 1915.
Special Bulletin. The Futility of "Preparedness" as the Cartoonists See It, with Introduction by Charles E. Jefferson, May, 1915.
91. The Fundamental Causes of the World War, by Alfred H. Fried. June, 1915.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Postoffice Sub-station 84, New York, N. Y.

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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES No. IX

OFFICIAL CORRESPONDENCE BETWEEN THE UNITED STATES AND GERMANY

- I. DECLARATION OF LONDON, August 6, 1914—October 24, 1914
- II. CONTRABAND OF WAR, September 4, 1914—April 26, 1915
- III. RESTRAINTS OF COMMERCE, February 6, 1915—September 7, 1915
- IV. CASE OF THE WILLIAM P. FRYE, March 31, 1915—July 30, 1915



SEPTEMBER, 1915

No. 94

American Association for International Conciliation
Sub-Station 84 (407 West 117th Street)
New York City
1915



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Ca. 100000.

It is the aim of the Association for International Conciliation to awaken interest and to seek co-operation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

It is the aim of the Association to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found on page 60.

PRESIDENT WILSON'S APPEAL FOR IMPARTIALITY AND RESTRAINT IN DIS- CUSSING THE WAR

MY FELLOW-COUNTRYMEN: I suppose that every thoughtful man in America has asked himself during the last troubled weeks what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say or do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what our ministers utter in their pulpits and men proclaim as their opinions on the streets.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume a heavy responsibility; responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinions, hot against each other, involved in the war itself in impulse and opinion, if not in action. Such diversions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow-countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action, a nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraint which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

WOODROW WILSON.

WASHINGTON, D. C.

August 18, 1914.

OFFICIAL CORRESPONDENCE BETWEEN THE UNITED STATES AND GERMANY

I.

DECLARATION OF LONDON

The Secretary of State to Ambassador Gerard¹

[Telegram.]

DEPARTMENT OF STATE,

Washington, August 6, 1914, 1 p. m.

Mr. Bryan instructs Mr. Gerard to inquire whether the German Government is willing to agree that the laws of naval warfare as laid down by the Declaration of London² of 1909 shall be applicable to naval warfare during the present conflict in Europe provided that the Governments with whom Germany is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Gerard to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

Ambassador Gerard to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

Berlin, August 22, 1914, 12 midnight.

Mr. Gerard refers to Department's August 19, 4 p. m., and says his August 20, 1 a. m., by way of Copenhagen, states that the German Government will apply the Declaration of London, provided its provisions are not disregarded by other belligerents.

The Acting Secretary of State to Ambassador Gerard³

[Telegram.]

DEPARTMENT OF STATE,

Washington, October 24, 1914, 5 p. m.

Referring to Department's August 6, 1 p. m., and Embassy's October 22, relative to the Declaration of London, Mr. Lansing instructs Mr.

¹ (Same *mutatis mutandis* to: The American Embassies at St. Petersburg, Paris, London, and Vienna, and the American Legation at Brussels.)

² Published by World Peace Foundation, 40 Mt. Vernon Street, Boston, Mass., June, 1915. Vol. V, No. 3, Part II. Free upon application.

³ (Same to the embassies at St. Petersburg, Vienna, and Paris, and the legation at Brussels.)

Gerard to inform the German Government that the suggestion of the department to belligerents as to the adoption of declaration for sake of uniformity as to a temporary code of naval warfare during the present conflict has been withdrawn because some of the belligerents are unwilling to accept the declaration without modifications and that this Government will therefore insist that the rights and duties of the Government and citizens of the United States in the present war be defined by existing rules of international law and the treaties of the United States without regard to the provisions of the declaration and that the Government of the United States reserves to itself the right to enter a protest or demand in every case in which the rights and duties so defined are violated or their free exercise interfered with by the authorities of the belligerent governments.

II.

GERMAN CONTRABAND

Ambassador Gerard to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

Berlin, September 4, 1914.

I repeat my August tenth a. m.

The Foreign Office sends me a list of the articles which the German Government intends to treat as contraband of war in pursuance of the German prize ordinance printed in Reichsgesetzblatt, 1914, No. 4. I find the list agrees exactly with article 22,¹ Nos. 1 to 11, of the Declaration of London, in respect of absolute contraband and to article 24, Nos. 1 to 14, in respect of conditional contraband. The German Government state that the ordinance embodies the substance of the Declaration and that they will apply its provisions if they are not disregarded by other belligerents. They request to be informed what attitude the other powers have assumed.

Copies of the ordinance have been mailed to you and to the London Embassy.

GERARD.

¹ ARTICLE 22 OF THE DECLARATION OF LONDON

The following articles may, without notice, be treated as contraband of war under the name of absolute contraband:

- (1) Arms of all kinds, including arms for sporting purposes and their distinctive component parts.
- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives specially prepared for use in war.
- (4) Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draft, and pack animals suitable for use in war.
- (8) Articles of camp equipment and their distinctive component parts.
- (9) Armor plates.
- (10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.

[Translation.]

The German Ambassador to the Secretary of State

IMPERIAL GERMAN EMBASSY,

Washington, October 22, 1914.

MR. SECRETARY OF STATE: I have the honor to inform Your Excellency that the Imperial Government has declared copper and lead to be conditional contraband. In consequence thereof I beg Your Excellency kindly to cause the foregoing to be published in accordance with the "Declaration of International Naval Conference" of February 26, 1909.

Accept, etc.,

For the Imperial Ambassador:

HANIEL.

Ambassador Gerard to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

Berlin, November 19, 1914.

Nineteenth. Proclamation of November 17th defines all rough or unworked lumber as conditional contraband under number nine or article twenty-three of German prize ordinance because susceptible of use as fuel. Exceptions are lignum vitæ, palisander, ebony, and similar woods and all woods greatly enhanced in value through working by hand or machine.

GERARD.

(11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

ARTICLE 24 OF THE DECLARATION OF LONDON

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice, be treated as contraband of war under the name of conditional contraband:

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
- (7) Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9) Fuel; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Ambassador Gerard to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

Berlin, November 23, 1914.

German Government has added following to list of conditional contraband:

No. 17. Woods of all kinds, rough or worked, that is hewn, sawed, planed, grooved, etc.; cylinder tar.

No. 18. Sulphur, crude or refined, and sulphuric acid.

GERARD.

Ambassador Gerard to the Secretary of State

No. 280.]

AMERICAN EMBASSY,

Berlin, November 23, 1914.

SIR: I have the honor to transmit to you herewith translations of two notes received from the imperial foreign office conveying notification of additions to the original lists of articles regarded as contraband by the German Government, which, as reported in my telegram of August 10, 1 p. m., corresponded in all respects with articles 22 and 24 of the Declaration of London.

I have, etc.,

JAMES W. GERARD.

[Inclosure 1—Translation.]

NOTE VERBALE

In supplement to its note verbale of August 6, 1914, IIIa.9222, the foreign office has the honor to inform the embassy of the United States of America that during the present hostilities the following materials will be considered as conditional contraband by Germany in addition to the articles and materials designated under No. 11, 1-14:

15. Copper (unworked) and

16. Lead in blocks, plates or tubes.

The foreign office begs that the embassy of the United States of America will kindly inform its Government of the above as soon as possible.

BERLIN, October 22, 1914.

[Inclosure 2—Translation.]

NOTE VERBALE

In supplement to its notes verbale of August 6, 1914, and October 22, 1914, IIIa.9222 and 17064, the foreign office has the honor to inform the embassy of the United States of America that during the present hostilities the following will be considered by Germany as conditional contraband in addition to the articles and materials designated under 11, 1-16:

17. Woods of all kinds, rough or treated (in particular hewn, sawed, planed, grooved), charcoal cylinder tar.

18. Sulphur, crude or refined, sulphuric acid.

The foreign office begs that the embassy will kindly notify its Government of the above as soon as possible.

BERLIN, November 23, 1914.

Ambassador Gerard to the Secretary of State

No. 307.]

AMERICAN EMBASSY,
Berlin, December 3, 1914.

SIR: With reference to my dispatch No. 280, dated November 23, 1914, I have the honor to transmit to you herewith a copy, in translation, of a note received from the imperial German foreign office, dated November 30, 1914, in reply to an inquiry addressed by me to the foreign office to ascertain whether Germany regards quebracho wood in logs as contraband of war. It appears from the note of the foreign office that quebracho wood is held by the German Government to fall under the order of the imperial chancellor of November 23, 1914, and to be considered as conditional contraband.

I have, etc.,

JAMES W. GERARD.

[Inclosure—Translation.]

NOTE VERBALE

The foreign office has the honor to inform the embassy of the United States of America, in reply to the note verbale of the 20th instant (F. O. No. 1165), that quebracho wood is not to be considered as fuel within the meaning of article 23, No. 9, of the German prize ordinance, nor to be deemed contraband for this reason.

However, by an order of the imperial chancellor, dated November 23, 1914, Reichs-Gesetzblatt, page 481, all kinds of woods have been expressly declared to be conditional contraband and quebracho wood in logs is included in such declaration.

BERLIN, November 30, 1914.

Ambassador Gerard to the Secretary of State

No. 312.]

AMERICAN EMBASSY,
Berlin, December 8, 1914.

SIR: With reference to the department's cable, No. 749, of December 3, 1914, and to my dispatch, No. 280, of November 23, 1914, I have the honor to transmit to you herewith three copies of the Reichs-Gesetzblatt 1914, No. 101, containing the proclamation of the German Government relative to the treatment of wood, cylinder tar, sulphur, and sulphuric acid as conditional contraband.

I have, etc.,

JAMES W. GERARD.

[Inclosure—Translation.]

Reichs-Gesetzblatt. Year 1914. No. 101.

(No. 4549.) Addition to the prize ordinance of September 30, 1909 (Reichs-Gesetzblatt, 1914, p. 275), of November 23, 1914.

I hereby prescribe in addition to the ordinance of October 18, 1914 (Reichs-Gesetzblatt, p. 441), that in the prize list of September 30, 1909, under the numeral 23, the following two further numbers be subjoined:

17. Woods of every kind, in the rough or manufactured (especially also cut, sawn, planed, grooved), wood-tar.

18. Sulphur, raw or refined, sulphuric acid.

BERLIN, November 23, 1914.

Vice Imperial Chancellor.

DELBRÜCK.

Ambassador Gerard to the Secretary of State

No. 340.]

AMERICAN EMBASSY,

Berlin, December 15, 1914.

SIR: With reference to my telegram of even date, I have the honor to transmit to you herewith five copies of a proclamation of the German Government, dated December 14, 1914, declaring aluminum and nickel to be conditional contraband. A translation of the proclamation is likewise appended.

I have, etc.,

JAMES W. GERARD.

[Inclosure 1—Translation.]

Reichsgesetzblatt, 1914. No. 112.

Supplement to the prize ordinance of September 30, 1909.

(Reichsgesetzblatt, 1914, page 275.)

In supplement to the order of November 23, 1914 (Reichsgesetzblatt, page 481), I hereby order that the following two numbers shall be added to article 23 of the prize ordinance of September 30, 1909:

19. Aluminum.

20. Nickel.

BERLIN, December 14, 1914.

Vice the Imperial Chancellor.

(Signed) DELBRÜCK.

[Inclosure 2—Translation.]

NOTE VERBALE

The Foreign Office has the honor to inform the Embassy of the United States of America, in supplement to the notes verbale of August 6, October 22, and November 23, 1914, Nos. IIIa.9222, 17064, and 19785, that during

the present hostilities the following articles will be considered as conditional contraband by Germany, in addition to those recited in the notes verbale mentioned, Nos. 1-18:

19. Aluminum.

20. Nickel.

The Foreign Office begs that the Embassy would be good enough to inform its Government of the above as soon as possible.

BERLIN, December 14, 1914.

Ambassador Gerard to the Secretary of State

No. 896.]

AMERICAN EMBASSY,

Berlin, April 26, 1915.

SIR: With reference to my telegram No. 2097, dated April 21, 1915, I have the honor to transmit to you herewith five copies of Reichsgesetzblatt, 1915, No. 49, with translation, containing the modifications and amendments of the German prize ordinance recently promulgated.

I have, etc.,

JAMES W. GERARD.

[Translation.]

Reichsgesetzblatt 1915. No. 49.

Ordinance relative to amendments of the prize ordinance of September 30, 1909.

In retaliation of the regulations adopted by England and her allies, deviating from the London declaration of maritime law of February 26, 1909, I approve of the following amendments of the prize ordinance of September 30, 1909, and of its supplements, dated October 18, November 23, and December 14, 1914, for the period of the present war.

Articles 21, 23, 27, 33, 35, 40, and the additions to Article 23 shall be replaced by the following provisions:

ARTICLE 21. The following articles and materials, designated absolute contraband, shall be considered contraband of war:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

3. Powder and explosives of all kinds.

4. Cannon barrels, gun mountings, limber boxes, limbers, field kitchens and bakeries, supply wagons, field forges, searchlights and searchlight accessories, and their distinctive component parts.

5. Range finders and their distinctive component parts.

6. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

7. Clothing and equipment of a distinctively military character.

8. Saddle, draft, and pack animals suitable for use in war.

9. All kinds of harness of a distinctively military character.

10. Articles of camp equipment and their distinctive component parts.
11. Armor plates.
12. Lead, pig, sheet, or pipe.
13. Barbed wire, and implements for fixing and cutting the same.
14. Tinplate.
15. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war; ship plates and construction steel.
16. Submarine sound signaling apparatus.
17. Aeroplanes, airships, balloons, and aircraft of all kinds, and their distinctive component parts, together with accessories, articles and materials, recognizable as intended for use in connection with balloons and aircraft.
18. Implements and devices designed exclusively for the manufacture and repair of arms and munitions of war.
19. Lathes of all kinds.
20. Mining lumber.
21. Coal and coke.
22. Flax.

ARTICLE 23. The following articles and materials suitable for warlike as well as for peaceful purposes, coming under the designation of conditional contraband, shall be considered as contraband of war:

1. Foodstuffs.
2. Forage and all kinds of feeding stuffs.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Wool from animals, raw or dressed, together with woolen carded yarns, and worsted yarns.
5. Gold and silver, in coin or bullion; paper money.
6. Vehicles of all kinds, especially all motor vehicles available for use in war, and their component parts.
7. Rubber tires for motor vehicles, together with all articles or materials especially used in the manufacture or repair of rubber tires.
8. Rubber and gutta-percha, together with goods made thereof.
9. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
10. Fuel, excepting coal and coke; lubricants.
11. Sulphur, sulphuric acid, nitric acid.
12. Horseshoes and shoeing materials.
13. The following ores: Wolframite, scheelite, molybdenite, nickel ore, chrome ore, hæmatite iron ore, manganese ore, lead ore.
14. The following metals: Wolfram, molybdenum, vanadium, nickel, selenium, cobalt, hæmatite pig iron, manganese, aluminium, copper.
15. Antimony, together with the sulphides and oxides of antimony.
16. Ferro alloys, including ferrowolfram, ferromolybdenum, ferromanganese, ferrovanadium, ferrochrome.
17. Harness and saddlery.
18. Leather, treated and untreated, when suitable for saddlery, harness, military boots or military clothing.
19. Tanning materials of all kinds, including extracts used in tanning.
20. All kinds of lumber, rough or treated, especially hewn, sawed, planed, fluted, excepting mining lumber tar of charcoal.

21. Vessels, craft, and boats of all kinds, floating docks, parts of docks, and their component parts.

The following articles can not be declared contraband of war:

1. Raw cotton, raw silk, raw jute, raw hemp.
2. Resin, lacks, hops.
3. Raw skins, horns, bones, and ivory.
4. Natural and artificial fertilizers.
5. Earth, clay, lime, chalk; stones, including marble; bricks, slates, and roofing tiles.
6. Porcelain and glass.
7. Paper, and the materials prepared for its manufacture.
8. Soap; paints, including the materials exclusively used for their manufacture, and varnish.
9. Chloride of lime, soda, caustic soda, sulphate of soda in cakes, ammonia, sulphate of ammonia, and copper sulphate.
10. Machines for agriculture, for mining, for the textile industry, and for printing.
11. Precious stones, fine stones, pearls, mother-of-pearl, and corals.
12. Clocks, standing clocks and watches, excepting chronometers.
13. Fashion and fancy goods.
14. Feathers of all kinds, hair and bristles.
15. Furniture and decorative articles, office furniture and requirements.

ARTICLE 33. In the absence of conditions to the contrary, the hostile destination referred to in article 32 is to be presumed when (A) the goods are consigned to an enemy authority or the agent of such or to a dealer shown to have supplied articles of the kind in question or products thereof to the armed forces or the administrative authorities of the enemy state; (B) the goods are consigned to order or the ship's papers do not show who is the consignee or the goods are consigned to a person in territory belonging to or occupied by the enemy; (C) the goods are destined for an armed place of the enemy or a place serving as a base of operations or supplies to the armed forces of the enemy.

Merchant vessels themselves are not to be considered as destined for the armed forces or the administrative authorities of the enemy solely for the reason that they are found en route to one of the places referred to under letter C.

ARTICLE 35. Articles of conditional contraband are liable to seizure only on a vessel en route to territory belonging to or occupied by the enemy or to the armed forces of the enemy, and such vessel is not intended to unload these articles in an intermediate neutral port—that is to say, in a port at which the vessel is to call previous to reaching the ultimate destination designated.

This paragraph shall not apply if the conditions provided in article 33, letter B, are present or if the vessel is bound for a neutral country with regard to which it is shown that the enemy government draws articles of the kind in question from that country.

ARTICLE 40. A vessel can not be captured on the ground of an already completed voyage carrying contraband. If, however, the vessel carried

contraband to the enemy contrary to the indications of the ship's papers, it shall be liable to capture and condemnation until the end of the war.

This ordinance shall take effect the day of its promulgation.

Chief Headquarters, April 18, 1915.

[L. S.]

(Signed) **WILHELM.**
v. TIRPITZ.

III.

CORRESPONDENCE RELATING TO RESTRAINTS OF COMMERCE

Ambassador Gerard to the Secretary of State

No. 525.]

AMERICAN EMBASSY,
Berlin, February 6, 1915.

SIR: I have the honor to transmit to you herewith two copies of the proclamation of the German Admiralty of February 4, 1915, declaring the waters surrounding Great Britain and Ireland to be comprised within the seat of war, as well as two copies each in German and French of the memorial of the Imperial Government on this subject and an English translation of the same.

I have, etc.,

JAMES W. GERARD.

[Inclosure 1—Translation.]

PROCLAMATION

1. The waters surrounding Great Britain and Ireland including the whole English channel are hereby declared to be war zone. On and after the 18th of February, 1915, every enemy merchant ship found in the said war zone will be destroyed without its being always possible to avert the dangers threatening the crews and passengers on that account.

2. Even neutral ships are exposed to danger in the war zone as in view of the misuse of neutral flags ordered on January 31 by the British Government and of the accidents of naval war, it can not always be avoided to strike even neutral ships in attacks that are directed at enemy ships.

3. Northward navigation around the Shetland Islands, in the eastern waters of the North Sea and in a strip of not less than 30 miles width along the Netherlands coast is in no danger.

VON POHL,
Chief of the Admiral Staff of the Navy,

BERLIN, February 4, 1915.

(Inclosure 2—Translation.)

MEMORIAL OF THE IMPERIAL GERMAN GOVERNMENT RESPECTING RETALIATORY MEASURES RENDERED NECESSARY BY THE MEANS EMPLOYED BY ENGLAND CONTRARY TO INTERNATIONAL LAW IN INTERCEPTING NEUTRAL MARITIME TRADE WITH GERMANY.

Since the commencement of the present war Great Britain's conduct of commercial warfare against Germany has been a mockery of all the principles of the law of nations. While the British Government have by several orders declared that their naval forces should be guided by the stipulations of the Declaration of London, they have in reality repudiated this Declaration in the most essential points, notwithstanding the fact that their own delegates at the Maritime Conference of London acknowledged its acts as forming part of existing international law. The British Government have placed a number of articles on the contraband list which are not at all, or only very indirectly capable of use in warfare, and consequently can not be treated as contraband either under the Declaration of London or under the generally acknowledged rules of international law. In addition, they have in fact obliterated the distinction between absolute and conditional contraband by confiscating all articles of conditional contraband destined for Germany, whatever may be the port where these articles are to be unloaded, and without regard to whether they are destined for uses of war or peace. They have not even hesitated to violate the Declaration of Paris, since their naval forces have captured on neutral ships German property which was not contraband of war. Furthermore, they have gone further than their own orders respecting the Declaration of London and caused numerous German subjects capable of bearing arms to be taken from neutral ships and made prisoners of war. Finally, they have declared the North Sea in its whole extent to be the seat of war, thereby rendering difficult and extremely dangerous, if not impossible, all navigation on the high seas between Scotland and Norway, so that they have in a way established a blockade of neutral coasts and ports, which is contrary to the elementary principles of generally accepted international law. Clearly all these measures are part of a plan to strike not only the German military operations but also the economic system of Germany, and in the end to deliver the whole German people to reduction by famine, by intercepting legitimate neutral commerce by methods contrary to international law.

The neutral powers have in the main acquiesced in the measures of the British Government; in particular they have not been successful in securing the release by the British Government of the German subjects and German merchandise illegally taken from their vessels. To a certain extent they have even contributed toward the execution of the measures adopted by England in defiance of the principles of the freedom of the seas by prohibiting the export and transit of goods destined for peaceable purposes in Germany, thus evidently yielding to pressure by England. The German Government have in vain called the attention of the neutral powers to the fact that Germany must seriously question whether it can any longer adhere to the stipulations of the Declaration of London, hitherto strictly observed by it, in case England continues to adhere to its practice, and the neutral powers persist in looking with indulgence upon all these violations of neutrality to the detriment of Germany. Great Britain invokes the vital

interest of the British Empire which are at stake in justification of its violations of the law of nations, and the neutral powers appear to be satisfied with theoretical protests, thus actually admitting the vital interests of a belligerent as a sufficient excuse for methods of waging war of whatever description.

The time has come for Germany also to invoke such vital interests. It therefore finds itself under the necessity, to its regret, of taking military measures against England in retaliation of the practice followed by England. Just as England declared the whole North Sea between Scotland and Norway to be comprised within the seat of war, so does Germany now declare the waters surrounding Great Britain and Ireland, including the whole English Channel, to be comprised within the seat of war, and will prevent by all the military means at its disposal all navigation by the enemy in those waters. To this end it will endeavor to destroy, after February 18 next, any merchant vessels of the enemy which present themselves at the seat of war above indicated, although it may not always be possible to avert the dangers which may menace persons and merchandise. Neutral powers are accordingly forewarned not to continue to entrust their crews, passengers, or merchandise to such vessels. Their attention is furthermore called to the fact that it is of urgency to recommend to their own vessels to steer clear of these waters. It is true that the German Navy has received instructions to abstain from all violence against neutral vessels recognizable as such; but in view of the hazards of war, and of the misuse of the neutral flag ordered by the British Government, it will not always be possible to prevent a neutral vessel from becoming the victim of an attack intended to be directed against a vessel of the enemy. It is expressly declared that navigation in the waters north of the Shetland Islands is outside the danger zone, as well as navigation in the eastern part of the North Sea and in a zone thirty marine miles wide along the Dutch coast.

The German Government announces this measure at a time permitting enemy and neutral ships to make the necessary arrangements to reach the ports situated at the seat of war. They hope that the neutral powers will accord consideration to the vital interests of Germany equally with those of England, and will on their part assist in keeping their subjects and their goods far from the seat of war; the more so since they likewise have a great interest in seeing the termination at an early day of the war now ravaging.

BERLIN, February 4, 1915.

The Secretary of State to Ambassador Gerard

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 10, 1915.

Please address a note immediately to the Imperial German Government to the following effect:

The Government of the United States, having had its attention directed to the proclamation of the German Admiralty issued on the fourth of February, that the waters surrounding Great Britain and Ireland, including

the whole of the English Channel, are to be considered as comprised within the seat of war; that all enemy merchant vessels found in those waters after the eighteenth instant will be destroyed, although it may not always be possible to save crews and passengers; and that neutral vessels expose themselves to danger within this zone of war because, in view of the misuse of neutral flags said to have been ordered by the British Government on the thirty-first of January and of the contingencies of maritime warfare, it may not be possible always to exempt neutral vessels from attacks intended to strike enemy ships, feels it to be its duty to call the attention of the Imperial German Government, with sincere respect and the most friendly sentiments but very candidly and earnestly, to the very serious possibilities of the course of action apparently contemplated under that proclamation.

The Government of the United States views those possibilities with such grave concern that it feels it to be its privilege, and indeed its duty in the circumstances, to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the Admiralty's proclamation, to destroy any merchant vessel of the United States or cause the death of American citizens.

It is of course not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an act so unprecedented in naval warfare that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible. The suspicion that enemy ships are using neutral flags improperly can create no just presumption that all ships traversing a prescribed area are subject to the same suspicion. It is to determine exactly such questions that this Government understands the right of visit and search to have been recognized.

This Government has carefully noted the explanatory statement issued by the Imperial German Government at the same time with the proclamation of the German Admiralty, and takes this occasion to remind the Imperial German Government very respectfully that the Government of the United States is open to none of the criticisms for unneutral action to which the German Government believe the governments of certain of other neutral nations have laid themselves open; that the Government of the United States has not consented to or acquiesced in any measures which may have been taken by the other belligerent nations in the present war which operate to restrain neutral trade, but has, on the contrary, taken in all such matters a position which warrants it in holding those governments responsible in the proper way for any untoward effects upon American shipping which the accepted principles of international law do not justify; and that it, therefore, regards itself as free in the present instance to take with a clear conscience and upon accepted principles the position indicated in this note.

If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now so happily subsisting between the two Governments.

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.

The Government of the United States, in view of these considerations which it urges with the greatest respect and with the sincere purpose of making sure that no misunderstanding may arise and no circumstance occur that might even cloud the intercourse of the two Governments, expresses the confident hope and expectation that the Imperial German Government can and will give assurance that American citizens and their vessels will not be molested by the naval forces of Germany otherwise than by visit and search, though their vessels may be traversing the sea area delimited in the proclamation of the German Admiralty.

It is added for the information of the Imperial Government that representations have been made to His Britannic Majesty's Government in respect to the unwarranted use of the American flag for the protection of British ships.

BRYAN.

The German Minister for Foreign Affairs to Ambassador Gerard

Berlin, February 16, 1915.

In reference to the note of the twelfth instant, Foreign Office number twenty-two sixty, relative to the German measures respecting the theater of war in the waters surrounding England, the undersigned has the honor to reply to His Excellency the Ambassador of the United States, James W. Gerard, as follows:

The Imperial German Government have examined the communication of the Government of the United States in the same spirit of good will and friendship which seems to have prompted this communication.

The Imperial German Government are in entire accord with the Government of the United States that it is in the highest degree desirable for all parties to avoid the misunderstanding which might arise from the measures announced by the German Admiralty and to avert the intrusion of events calculated to interrupt the most friendly relations which have so happily existed between the two Governments up to this time.

On this assurance the German Government believe that they may depend on full understanding on the part of the United States, all the more because the action announced by the German Admiralty, as was dwelt upon at length in the note of the fourth instant, is in no wise directed

against the legitimate trade and navigation of neutral states, but merely represents an act of self-defense which Germany's vital interests force her to take against England's method of conducting maritime war in defiance of international law, which no protest on the part of neutrals has availed to bring into accordance with the legal status generally recognized before the outbreak of hostilities.

In order to exclude all possible doubt on this cardinal point the German Government beg to set forth once more the actual situation.

Up to now Germany has scrupulously observed the existing provisions of international law relative to maritime war. In particular she assented without delay to the proposal made by the American Government directly after the war began to ratify the Declaration of London and embodied the contents thereof without change in her prize law, even without formally binding herself in this direction. The German Government have adhered to these provisions, even where they conflicted with military interests. Our Government at the same time have permitted the supply of food by Denmark to England until the present, although they could well have prevented this traffic by means of their naval forces.

In direct opposition to this, England has not shrunk from grave violations of international law wherever she could thereby cripple Germany's peaceable trade with neutral countries. It will not be necessary for the German Government to go into great detail on this point, especially since the American note to the British Government dated December twenty-eighth, nineteen fourteen, which has been brought to their knowledge, has dealt with this point very aptly if not very exhaustively on the ground of the experiences of months.

It is conceded that the intention of all these aggressions is to cut off Germany from all supplies and thereby to deliver up to death by famine a peaceful civilian population, a procedure contrary to law of war and every dictate of humanity.

The neutrals have not been able to prevent this interception of different kinds of trade with Germany contrary to international law. It is true that the American Government have protested against England's procedure, and Germany is glad to acknowledge this, but in spite of this protest and the protests of the other neutral Governments England has not allowed herself to be dissuaded from the course originally adopted. Thus, the American ship *Wilhelmina* was recently brought into port by England, although her cargo was destined solely for the civil population of Germany and was to be used only for this purpose according to an express declaration of the German Government.

In this way the following has been created: Germany is to all intents and purposes cut off from oversea supplies with the toleration, tacit or protesting, of the neutrals regardless of whether it is a question of goods which are absolute contraband or only conditional contraband or not contraband at all, following the law generally recognized before the outbreak of the war. On the other hand, England, with the indulgence of neutral Governments, is not only being provided with such goods as are not contraband or merely conditional contraband, namely, foodstuffs, raw material, et cetera, although these are treated by England when Germany is in question as absolute contraband, but also with goods which have been regularly and unquestionably acknowledged to be absolute contraband. The German Government believe that they are obliged to point

out very particularly and with the greatest emphasis, that a trade in arms exists between American manufacturers and Germany's enemies which is estimated at many hundred million marks.

The German Government have given due recognition to the fact that as a matter of form the exercise of rights and the toleration of wrong on the part of neutrals is limited by their pleasure alone and involves no formal breach of neutrality. The German Government have not in consequence made any charge of formal breach of neutrality. The German Government can not, however, do otherwise, especially in the interest of absolute clearness in the relations between the two countries, than to emphasize that they, in common with the public opinion in Germany, feel themselves placed at a great disadvantage through the fact that the neutral powers have hitherto achieved no success or only an unmeaning success in their assertion of the right to trade with Germany, acknowledged to be legitimate by international law, whereas they make unlimited use of their right to tolerate trade in contraband with England and our other enemies. Conceded that it is the formal right of neutrals not to protect their legitimate trade with Germany and even to allow themselves knowingly and willingly to be induced by England to restrict such trade, it is on the other hand not less their good right, although unfortunately not exercised, to stop trade in contraband, especially the trade in arms, with Germany's enemies.

In view of this situation the German Government see themselves compelled, after six months of patience and watchful waiting, to meet England's murderous method of conducting maritime war with drastic counter measures. If England invokes the powers of famine as an ally in its struggle against Germany with the intention of leaving a civilized people the alternative of perishing in misery or submitting to the yoke of England's political and commercial will, the German Government are to-day determined to take up the gauntlet and to appeal to the same grim ally. They rely on the neutrals who have hitherto tacitly or under protest submitted to the consequences, detrimental to themselves, of England's war of famine to display not less tolerance toward Germany, even if the German measures constitute new forms of maritime war, as has hitherto been the case with the English measures.

In addition to this, the German Government are determined to suppress with all the means at their disposal the supply of war material to England and her allies and assume at the same time that it is a matter of course that the neutral Governments which have hitherto undertaken no action against the trade in arms with Germany's enemies do not intend to oppose the forcible suppression of this trade by Germany.

Proceeding from these points of view the German Admiralty has declared the zone prescribed by it the seat of war; it will obstruct this area of maritime war by mines wherever possible and also endeavor to destroy the merchant vessels of the enemy in any other way.

It is very far indeed from the intention of the German Government, acting in obedience to these compelling circumstances, ever to destroy neutral lives and neutral property, but on the other hand they can not be blind to the fact that dangers arise through the action to be carried out against England which menace without discrimination all trade within the area of maritime war. This applies as a matter of course to

war mines, which place any ship approaching a mined area in danger, even if the limits of international law are adhered to most strictly.

The German Government believe that they are all the more justified in the hope that the neutral powers will become reconciled with this, just as they have with the serious injury caused them thus far by England's measures, because it is their will to do everything in any way compatible with the accomplishment of their purpose for the protection of neutral shipping even within the area of maritime war.

They furnish the first proof of their good will by announcing the measures intended by them at a time not less than two weeks beforehand, in order to give neutral shipping an opportunity to make the necessary arrangements to avoid the threatening danger. The safest method of doing this is to stay away from the area of maritime war. Neutral ships entering the closed waters in spite of this announcement, given so far in advance, and which seriously impairs the accomplishment of the military purpose against England, bear their own responsibility for any unfortunate accidents. The German Government on their side expressly decline all responsibility for such accidents and their consequences.

Furthermore, the German Government announced merely the destruction of enemy merchant vessels found within the area of maritime war, and not the destruction of all merchant vessels, as the American Government appear to have erroneously understood. This limitation which the German Government have imposed upon themselves impairs the military purpose, especially since the presumption will prevail, even in the case of neutral ships, that they have contraband on board, in view of the interpretation of the idea of contraband in which the English Government have indulged as regards Germany and which the German Government will accordingly apply against England.

Naturally the Imperial Government are not willing to waive the right to establish the presence of contraband in the cargoes of neutral ships and, in cases requiring it, to take any action necessary on the grounds established. Finally the German Government are prepared to accord, in conjunction with the American Government, the most earnest consideration to any measure that might be calculated to insure the safety of legitimate shipping of neutrals within the seat of war. They can not, however, overlook the fact that all efforts in this direction are considerably hampered by two circumstances: First, by the misuse of the neutral flag by English merchant vessels, which in the meantime has probably been established beyond a doubt by the American Government likewise. Second, by the above-mentioned trade in contraband, especially war materials, by neutral merchant vessels. In regard to the latter point, the German Government ventures to hope that the American Government upon reconsideration will see their way clear to a measure of intervention in accordance with the spirit of true neutrality.

As regards the first point, the secret order of the British Admiralty has already been communicated to the American Government by Germany. It recommends English merchant vessels to use neutral flags and has in the meantime been confirmed by a statement of the British Foreign Office which refers to the municipal law of England and characterizes such action as quite unobjectionable. The English merchant marine has followed this counsel without delay, as is probably known to the American Government, from the cases of the *Lusitania* and *Laertes*.

Moreover, the British Government have armed English merchant vessels and instructed them to resist by force the German submarines. In these circumstances it is very difficult for the German submarines to recognize neutral merchant vessels as such, for even a search will not be possible in the majority of cases, since the attacks to be anticipated in the case of a disguised English ship would expose the commanders conducting a search and the boat itself to the danger of destruction.

The British Government would then be in a position to render the German measures illusory if their merchant marine persists in the misuse of neutral flags and neutral vessels are not marked in some other manner admitting of no possible doubt. Germany must, in the exigency into which she has unlawfully been forced, make her measures effective at all events in order thereby to compel her adversary to conduct maritime warfare in accordance with international law and thus to reestablish the freedom of the seas which she has ever advocated and for which she is fighting likewise to-day.

The German Government, therefore, welcomes the fact that the American Government have made representations to the British Government relative to the use of their flag contrary to law and give expression to the expectation that this action will cause England to respect the American flag in future.

In this expectation the commanders of the German submarines have been instructed, as was already stated in the note of fourth instant, to abstain from violence to American merchant vessels when they are recognizable as such.

In order to meet in the safest manner all the consequences of mistaking an American for a hostile merchant vessel the German Government recommended that (although this would not apply in the case of danger from mines) the United States convoy their ships carrying peaceable cargoes and traversing the English seat of maritime war in order to make them recognizable. In this connection the German Government believe it should be made a condition that only such ships should be convoyed as carry no merchandise which would have to be considered as contraband according to the interpretation applied by England against Germany. The German Government are prepared to enter into immediate negotiations with the American Government relative to the manner of convoy. They would, however, be particularly grateful if the American Government would urgently advise their merchant vessels to avoid the English seat of maritime war, at any rate until the flag question is settled.

The German Government resign themselves to the confident hope that the American Government will recognize the full meaning of the severe struggle which Germany is conducting for her very existence and will gain full understanding of the reasons which prompt Germany and the aims of the measures announced by her from the above explanations and promises.

The German Government repeat that in the scrupulous consideration for neutrals hitherto practiced by them they have determined upon the measures planned only under the strongest compulsion of national self-preservation. Should the American Government at the eleventh hour succeed in removing, by virtue of the weight which they have the right and ability to throw into the scales of the fate of peoples, the reasons which have made it the imperative duty of the German Government to

take the action indicated, should the American Government in particular find a way to bring about the observation of the Declaration of London on the part of the Powers at war with Germany and thereby to render possible for Germany the legitimate supply of foodstuffs and industrial raw materials, the German Government would recognize this as a service which could not be too highly estimated in favor of more humane conduct of war and would gladly draw the necessary conclusions from the new situation this created.

The undersigned requests the Ambassador to bring the above to the attention of the American Government and avails himself of the opportunity to renew, et cetera,
VON JAGOW.

The Secretary of State to Ambassador Gerard¹

[Telegram.]

No. 1169.]

DEPARTMENT OF STATE,
Washington, February 20, 1915.

You will please deliver to _____ the following identic note which we are sending Germany and England:

In view of the correspondence which has passed between this Government and Germany and Great Britain respectively, relative to the Declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Germany and Great Britain, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the German and British Governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

¹ Same to the American Embassy at London.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of *disguise or ruse de guerre*.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to non-combatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.

BRYAN.

Ambassador Gerard to the Secretary of State

[Telegram.]

No. 1717.]

AMERICAN EMBASSY,

Berlin, March 1, 1915.

Following is translation of the German reply:

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 22d instant, that the Imperial German Government have taken note with great interest of the suggestion of the American Government that certain principles for the conduct of maritime war on the part of Germany and England be agreed upon for the protection of neutral shipping. They see therein new evidence of the friendly feelings of the American Government toward the German Government which are fully reciprocated by Germany.

It is in accordance with Germany's wishes also to have maritime war conducted according to rules which without discriminately restricting one or the other of the belligerent powers in the use of their means of warfare are equally considerate of the interests of neutrals and the dictates of humanity. Consequently it was intimated in the German note of the 16th instant that observation of the Declaration of London on the part of Germany's adversaries would create a new situation from which the German Government would gladly draw the proper conclusions.

Proceeding from this view, the German Government have carefully examined the suggestion of the American Government and believe that they can actually see in it a suitable basis for the practical solution of the questions which have arisen.

With regard to the various points of the American note they beg to make the following remarks:

1. With regard to the sowing of mines, the German Government would be willing to agree as suggested not to use floating mines and to have anchored mines constructed as indicated. Moreover, they agree to put the stamp of the Government on all mines to be planted. On the other hand, it does not appear to them to be feasible for the belligerents wholly to forego the use of anchored mines for offensive purposes.

2. The German Government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained submarine would proceed in accordance with the general rules of international law.

3. As provided in the American note, this restriction of the use of the submarines is contingent on the fact that enemy mercantile abstain from the use of the neutral flag and other neutral distinctive marks. It would appear to be a matter of course that such mercantile also abstain from arming themselves and from all resistance by force, since such procedure contrary to international law would render impossible any action of the submarines in accordance with international law.

4. The regulation of legitimate importations of food into Germany suggested by the American Government appears to be in general acceptable. Such regulation would, of course, be confined to importations by sea, but that would on the other hand include indirect importations by way of neutral ports. The German Government would, therefore, be willing to make the declarations of the nature provided in the American note so that the use of the imported food and foodstuffs solely by the noncombatant population would be guaranteed. The Imperial Government must, however, in addition (* * *)¹ having the importation of other raw material used by the economic system of noncombatants including forage permitted. To that end the enemy Governments would have to permit the free entry into Germany of the raw material mentioned in the free list of the Declaration of London and to treat materials included in the list of conditional contraband according to the same principles as food and foodstuffs.

The German Government venture to hope that the agreement for which the American Government have paved the way may be reached after due consideration of the remarks made above, and that in this way

¹ Apparent omission.

peaceable neutral shipping and trade will not have to suffer any more than is absolutely necessary from the unavoidable effects of maritime war. These effects could be still further reduced if, as was pointed out in the German note of the 16th instant, some way could be found to exclude the shipping of munitions of war from neutral countries to belligerents on ships of any nationality.

The German Government must, of course, reserve a definite statement of their position until such time as they may receive further information from the American Government enabling them to see what obligations the British Government are on their part willing to assume.

The undersigned avails himself of this occasion, etc.

(Signed)

VON JAGOW.

Dated Foreign Office, Berlin, February 28, 1915.

GERARD.

The German Ambassador to the Secretary of State

[Translation.]

No. A2341.]

IMPERIAL GERMAN EMBASSY,

Washington, April 4, 1915.

MR. SECRETARY OF STATE: I have the honor to deliver to Your Excellency the inclosed memorandum on German-American trade and the question of delivery of arms.

Accept, etc.,

J. BERNSTORFF.

[Inclosure—Translation.]

MEMORANDUM

No. A2841.]

IMPERIAL GERMAN EMBASSY,

Washington, D. C., April 4, 1915.

The various British Orders in Council have one-sidedly modified the generally recognized principles of international law in a way which arbitrarily stops the commerce of neutral nations with Germany. Even before the last British Order in Council, the shipment of conditional contraband, especially food supplies, to Germany was practically impossible. Prior to the protest sent by the American to the British Government on December 28 last, such a shipment did not actually take place in a single case. Even after this protest the Imperial Embassy knows of only a single case in which an American shipper has ventured to make such a shipment for the purpose of legitimate sale to Germany. Both ship and cargo were immediately seized by the English and are being held in an English port under the pretext of an order of the German Federal Council (Bundesrat) regarding the grain trade, although this resolution of the Federal Council relates exclusively to grain and flour, and not to other foodstuffs, besides

making an express exception with respect to imported foodstuffs, and although the German Government gave the American Government an assurance, and proposed a special organization whereby the exclusive consumption by the civilian population is absolutely guaranteed.

Under the circumstances the seizure of the American ship was inadmissible according to recognized principles of international law. Nevertheless the United States Government has not to date secured the release of the ship and cargo, and has not, after a duration of the war of eight months, succeeded in protecting its lawful trade with Germany.

Such a long delay, especially in matters of food supply, is equivalent to an entire denial.

The Imperial Embassy must therefore assume that the United States Government acquiesces in the violations of international law by Great Britain.

Then there is also the attitude of the United States in the question of the exportation of arms. The Imperial Government feels sure that the United States Government will agree that in questions of neutrality it is necessary to take into consideration not only the formal aspect of the case, but also the spirit in which the neutrality is carried out.

The situation in the present war differs from that of any previous war. Therefore any reference to arms furnished by Germany in former wars is not justified, for then it was not a question *whether* war material should be supplied to the belligerents, but *who* should supply it in competition with other nations. In the present war all nations having a war material industry worth mentioning are either involved in the war themselves or are engaged in perfecting their own armaments, and have therefore laid an embargo against the exportation of war material. The United States is accordingly the only neutral country in a position to furnish war materials. The conception of neutrality is thereby given a new purport, independently of the formal question of hitherto existing law. In contradiction thereto, the United States is building up a powerful arms industry in the broadest sense, the existing plants not only being worked but enlarged by all available means, and new ones built. The international conventions for the protection of the rights of neutral nations doubtless sprang from the necessity of protecting the existing industries of neutral nations as far as possible from injury in their business. But it can in no event be in accordance with the spirit of true neutrality if, under the protection of such international stipulations, an entirely new industry is created in a neutral state, such as is the development of the arms industry in the United States, the business whereof, under the present conditions, can benefit only the belligerent powers.

This industry is actually delivering goods only to the enemies of Germany. The theoretical willingness to supply Germany also if shipments thither were possible, does not alter the case. If it is the will of the American people that there shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms or at least of utilizing it to protect legitimate trade with Germany, especially that in foodstuffs. This view of neutrality should all the more appeal to the United States Government because the latter enacted a similar policy toward Mexico. On February 4, 1914, President Wilson, according to a statement of a Representative in Congress in the Committee for Foreign Affairs of December 30, 1914, upon the lifting of the embargo on arms to Mexico,

declared that "we should stand for genuine neutrality, considering the surrounding facts of the case * * *." He then held that "in that case, because Carranza had no ports, while Huerta had them and was able to import these materials, that it was our duty as a nation to treat (Carranza and Huerta) upon an equality if we wished to observe the true spirit of neutrality as compared with a mere paper neutrality."

If this view were applied to the present case, it would lead to an embargo on the exportation of arms.

The Secretary of State to the German Ambassador

No. 1379.]

DEPARTMENT OF STATE,

Washington, April 21, 1915.

EXCELLENCY: I have given thoughtful consideration to your Excellency's note of the 4th of April, 1915, enclosing a memorandum of the same date, in which Your Excellency discusses the action of this Government with regard to trade between the United States and Germany and the attitude of this Government with regard to the exportation of arms from the United States to the nations now at war with Germany.

I must admit that I am somewhat at a loss how to interpret Your Excellency's treatment of these matters. There are many circumstances connected with these important subjects to which I would have expected Your Excellency to advert, but of which you make no mention, and there are other circumstances to which you do refer which I would have supposed to be hardly appropriate for discussion between the Government of the United States and the Government of Germany.

I shall take the liberty, therefore, of regarding Your Excellency's references to the course pursued by the Government of the United States with regard to interferences with trade from this country, such as the Government of Great Britain have attempted, as intended merely to illustrate more fully the situation to which you desire to call our attention and not as an invitation to discuss that course. Your Excellency's long experience in international affairs will have suggested to you that the relations of the two Governments with one another can not wisely be made a subject of discussion with a third Government, which can not be fully informed as to the facts and which can not be fully cognizant of the reasons for the course pursued. I believe, however, that I am justified in assuming that what you desire to call forth is a frank statement of the position of this Government in regard to its obligations as a neutral power. The general attitude and course of policy of this Government in the maintenance of its neutrality I am particularly anxious that Your Excellency should see in their true light. I had hoped that this Government's position in these respects had been made abundantly clear, but I am of course perfectly willing to state it again. This seems to me the more necessary and desirable because, I regret to say, the language which Your Excellency employs in your memorandum is susceptible of being construed as impugning the good faith of the United States in the performance of its duties as a neutral. I take it for granted that no such implication was intended, but it is so evident that

Your Excellency is laboring under certain false impressions that I can not be too explicit in setting forth the facts as they are, when fully reviewed and comprehended.

In the first place, this Government has at no time and in no manner yielded any one of its rights as a neutral to any of the present belligerents. It has acknowledged, as a matter of course, the right of visit and search and the right to apply the rules of contraband of war to articles of commerce. It has, indeed, insisted upon the use of visit and search as an absolutely necessary safeguard against mistaking neutral vessels for vessels owned by an enemy and against mistaking legal cargoes for illegal. It has admitted also the right of blockade if actually exercised and effectively maintained. These are merely the well-known limitations which war places upon neutral commerce on the high seas. But nothing beyond these has it conceded. I call Your Excellency's attention to this, notwithstanding it is already known to all the world as a consequence of the publication of our correspondence in regard to these matters with several of the belligerent nations, because I can not assume that you have official cognizance of it.

In the second place, this Government attempted to secure from the German and British Governments mutual concessions with regard to the measures those Governments respectively adopted for the interruption of trade on the high seas. This it did, not of right, but merely as exercising the privileges of a sincere friend of both parties and as indicating its impartial good will. The attempt was unsuccessful; but I regret that Your Excellency did not deem it worthy of mention in modification of the impressions you expressed. We had hoped that this act on our part had shown our spirit in these times of distressing war as our diplomatic correspondence had shown our steadfast refusal to acknowledge the right of any belligerent to alter the accepted rules of war at sea in so far as they affect the rights and interests of neutrals.

In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, Your Excellency seems to be under the impression that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude toward Germany. This Government holds, as I believe Your Excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principles of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in Your Excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to Your Excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that Your Excellency will realize the spirit in which I am drafting this reply. The friendship between the people of the United States and

the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from Your Excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and purposes of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept, etc.,

W. J. BRYAN.

The Secretary of State to Ambassador Gerard

No. 1664.]

DEPARTMENT OF STATE,

Washington, May 13, 1915.

Please call on the Minister of Foreign Affairs and after reading to him this communication leave with him a copy.

In view of recent acts of the German authorities in violation of American rights on the high seas which culminated in the torpedoing and sinking of the British steamship *Lusitania* on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States and the Imperial German Government should come to a clear and full understanding as to the grave situation which has resulted.

The sinking of the British passenger steamer *Falaba* by a German submarine on March 28, through which Leon C. Thrasher, an American citizen, was drowned; the attack on April 28 on the American vessel *Cushing* by a German aeroplane; the torpedoing on May 1 of the American vessel *Gulflight* by a German submarine, as a result of which two or more American citizens met their death; and, finally, the torpedoing and sinking of the steamship *Lusitania*, constitute a series of events which the Government of the United States has observed with growing concern, distress, and amazement.

Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always engaged upon the side of justice and humanity; and having understood the instructions of the Imperial German Government to its naval commanders to be upon the same plane of humane action prescribed by the naval codes of other nations, the Government of the United States was loath to believe—it can not now bring itself to believe—that these acts, so absolutely contrary to the rules, the practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government. It feels it to be its duty, therefore, to address the Imperial German Government concerning them with the utmost frankness and in the earnest hope that it is not mistaken in expect-

ing action on the part of the Imperial German Government which will correct the unfortunate impressions which have been created and vindicate once more the position of that Government with regard to the sacred freedom of the seas.

The Government of the United States has been apprised that the Imperial German Government considered themselves to be obliged by the extraordinary circumstances of the present war and the measures adopted by their adversaries in seeking to cut Germany off from all commerce, to adopt methods of retaliation which go much beyond the ordinary methods of warfare at sea, in the proclamation of a war zone from which they have warned neutral ships to keep away. This Government has already taken occasion to inform the Imperial German Government that it can not admit the adoption of such measures or such a warning of danger to operate as in any degree an abbreviation of the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality; and that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental. It does not understand the Imperial German Government to question those rights. It assumes, on the contrary, that the Imperial Government accept, as of course, the rule that the lives of noncombatants, whether they be of neutral citizenship or citizens of one of the nations at war, can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unarmed merchantman, and recognize also, as all other nations do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag.

The Government of the United States, therefore, desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity, which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and, if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. These facts it is understood the Imperial German Government frankly admit. We are informed that in the instances of which we have spoken time enough for even that poor measure of safety was not given, and in at least two of the cases cited not so much as a warning was received. Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

There was recently published in the newspapers of the United States, I regret to inform the Imperial German Government, a formal warning, purporting to come from the Imperial German Embassy at Washington, addressed to the people of the United States, and stating, in effect, that any citizen of the United States who exercised his right of free travel upon the seas would do so at his peril if his journey should take him within the zone of waters within which the Imperial German Navy was using submarines against the commerce of Great Britain and France, notwithstanding the respectful but very earnest protest of his Government, the Government of the United States. I do not refer to this for the purpose of calling the attention of the Imperial German Government at this time to the surprising irregularity of a communication from the Imperial German Embassy at Washington addressed to the people of the United States through the newspapers, but only for the purpose of pointing out that no warning that an unlawful and inhumane act will be committed can possibly be accepted as an excuse or palliation for that act or as an abatement of the responsibility for its commission.

Long acquainted as this Government has been with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities. It takes it for granted that, at least within the practical possibilities of every such case, the commanders even of submarines were expected to do nothing that would involve the lives of noncombatants or the safety of neutral ships, even at the cost of failing of their object of capture or destruction. It confidently expects, therefore, that the Imperial German Government will disavow the acts of which the Government of the United States complains, that they will make reparation so far as reparation is possible for injuries which are without measure, and that they will take immediate steps to prevent the recurrence of anything so obviously subversive of the principles of warfare for which the Imperial German Government have in the past so wisely and so firmly contended.

The Government and the people of the United States look to the Imperial German Government for just, prompt, and enlightened action in this vital matter with the greater confidence because the United States and Germany are bound together not only by special ties of friendship but also by the explicit stipulations of the treaty of 1828 between the United States and the Kingdom of Prussia.

Expressions of regret and offers of reparation in case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations, if no loss of life results, can not justify or excuse a practice the natural and necessary effect of which is to subject neutral nations and neutral persons to new and immeasurable risks.

The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment.

BRYAN.

**The German Minister for Foreign Affairs to the American
Ambassador at Berlin**

[Telegram.]

No. 2326.]

Berlin, May 28, 1915.

The undersigned has the honor to make the following reply to the note of His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the fifteenth instant, on the subject of the impairment of many American interests by the German submarine war:

The Imperial Government has subjected the statements of the Government of the United States to a careful examination and has the lively wish on its part also to contribute in a convincing and friendly manner to clear up any misunderstandings which may have entered into the relations of the two Governments through the events mentioned by the American Government.

With regard firstly to the cases of the American steamers *Cushing* and *Gulflight*, the American Embassy has already been informed that it is far from the German Government to have any intention of ordering attacks by submarines or flyers on neutral vessels in the zone which have not been guilty of any hostile act; on the contrary, the most explicit instructions have been repeatedly given the German armed forces to avoid attacking such vessels. If neutral vessels have come to grief through the German submarine war during the past few months by mistake, it is a question of isolated and exceptional cases which are traceable to the misuse of flags by the British Government in connection with carelessness or suspicious actions on the part of the captains of the vessels. In all cases where a neutral vessel through no fault of its own has come to grief through the German submarine or flyers according to the facts as ascertained by the German Government, this Government has expressed its regret at the unfortunate occurrence and promised indemnification where the facts justified it. The German Government will treat the cases of the American steamers *Cushing* and *Gulflight* according to the same principles. An investigation of these cases is in progress. Its results will be communicated to the Embassy shortly. The investigation might, if thought desirable, be supplemented by an International Commission of Inquiry, pursuant to Title Three of The Hague Convention of October 18, 1907, for the pacific settlement of international disputes.

In the case of the sinking of the English steamer *Falaba*, the commander of the German submarine had the intention of allowing passengers and crew ample opportunity to save themselves.

It was not until the captain disregarded the order to lay to and took to flight, sending up rocket signals for help, that the German commander ordered the crew and passengers by signals and megaphone to leave the ship within 10 minutes. As a matter of fact he allowed them 23 minutes and did not fire the torpedo until suspicious steamers were hurrying to the aid of the *Falaba*.

With regard to the loss of life when the British passenger steamer *Lusitania* was sunk, the German Government has already expressed its

deep regret to the neutral Governments concerned that nationals of those countries lost their lives on that occasion. The Imperial Government must state for the rest the impression that certain important facts most directly connected with the sinking of the *Lusitania* may have escaped the attention of the Government of the United States. It therefore considers it necessary in the interest of the clear and full understanding aimed at by either Government primarily to convince itself that the reports of the facts which are before the two Governments are complete and in agreement.

The Government of the United States proceeds on the assumption that the *Lusitania* is to be considered as an ordinary unarmed merchant vessel. The Imperial Government begs in this connection to point out that the *Lusitania* was one of the largest and fastest English commerce steamers, constructed with Government funds as auxiliary cruisers, and is expressly included in the navy list published by the British Admiralty. It is moreover known to the Imperial Government from reliable information furnished by its officials and neutral passengers that for some time practically all the more valuable English merchant vessels have been provided with guns, ammunition and other weapons, and reinforced with a crew specially practiced in manning guns. According to reports at hand here, the *Lusitania* when she left New York undoubtedly had guns on board which were mounted under decks and masked.

The Imperial Government furthermore has the honor to direct the particular attention of the American Government to the fact that the British Admiralty by a secret instruction of February of this year advised the British merchant marine not only to seek protection behind neutral flags and markings, but even when so disguised to attack German submarines by ramming them. High rewards have been offered by the British Government as a special incentive for the destruction of the submarines by merchant vessels, and such rewards have already been paid out. In view of these facts, which are satisfactorily known to it, the Imperial Government is unable to consider English merchant vessels any longer as "undefended territory" in the zone of maritime war designated by the Admiralty Staff of the Imperial German Navy, the German commanders are consequently no longer in a position to observe the rules of capture otherwise usual and with which they invariably complied before this. Lastly, the Imperial Government must specially point out that on her last trip the *Lusitania*, as on earlier occasions, had Canadian troops and munitions on board, including no less than 5,400 cases of ammunition destined for the destruction of brave German soldiers who are fulfilling with self-sacrifice and devotion their duty in the service of the Fatherland. The German Government believes that it acts in just self-defense when it seeks to protect the lives of its soldiers by destroying ammunition destined for the enemy with the means of war at its command. The English steamship company must have been aware of the dangers to which passengers on board the *Lusitania* were exposed under the circumstances. In taking them on board in spite of this the company quite deliberately tried to use the lives of American citizens as protection for the ammunition carried, and violated the clear provisions of American laws which expressly prohibit, and provide punishment for, the carrying of passengers on ships which have explosives on board. The company thereby wantonly caused

the death of so many passengers. According to the express report of the submarine commander concerned, which is further confirmed by all other reports, there can be no doubt that the rapid sinking of the *Lusitania* was primarily due to the explosion of the cargo of ammunition caused by the torpedo. Otherwise, in all human probability, the passengers of the *Lusitania* would have been saved.

The Imperial Government holds the facts recited above to be of sufficient importance to recommend them to a careful examination by the American Government. The Imperial Government begs to reserve a final statement of its position with regard to the demands made in connection with the sinking of the *Lusitania* until a reply is received from the American Government, and believes that it should recall here that it took note with satisfaction of the proposals of good offices submitted by the American Government in Berlin and London with a view to paving the way for a *modus vivendi* for the conduct of maritime war between Germany and Great Britain. The Imperial Government furnished at that time ample evidence of its good will by its willingness to consider these proposals. The realization of these proposals failed, as is known, on account of their rejection by the Government of Great Britain.

The undersigned requests His Excellency, the Ambassador, to bring the above to the knowledge of the American Government and avails himself of the opportunity to renew, etc.,

VON JAGOW.

**The German Minister for Foreign Affairs to the American
Ambassador at Berlin**

[Translation.]

Berlin, June 1, 1915.

With reference to the note of May 28, the undersigned has the honor to inform His Excellency, the Ambassador of the United States of America, Mr. James W. Gerard, that the examination undertaken on the part of the German Government concerning the cases of the American steamers *Gulflight* and *Cushing* has led to the following conclusions:

In regard to the attack on the steamer *Gulflight*, the commander of a German submarine saw on the afternoon of May 1, in the vicinity of the Scilly Islands, a large merchant steamer coming toward him, which was accompanied by two small vessels. These latter took up such a position in relation to the steamer that they formed a regulation safeguard against submarines; one of them, moreover, had a wireless apparatus, which is not as a rule usual with small vessels. From this it was evidently a case of English convoy vessels. Since such vessels are regularly armed, the

submarine could not approach the steamer on the surface of the water without running the danger of destruction. On the other hand, it was to be assumed that the steamer was of considerable value to the British Government since it was so particularly guarded. The commander could see no neutral markings on it of any kind, that is, distinctive marks painted on the freeboard, recognizable at a distance, such as are now usual on neutral ships in the English zone of naval warfare. In consequence, he arrived at the conclusion from all the circumstances that he had to deal with an English steamer and attacked submerged. The torpedo came in the immediate neighborhood of one of the convoy ships, which at once rapidly approached the point of firing, so that the submarine was forced to go to a great depth to avoid being rammed; the conclusion of the commander that an English convoy ship was concerned was in this way confirmed. That the attacked steamer carried the American flag was first observed at the moment of firing the shot. The fact that the steamship was pursuing a course which led neither to nor from America was a further reason why it did not occur to the commander of the submarine that he had to deal with an American steamship.

Upon scrutiny of the time and place of the occurrence described, the German Government has become convinced that the attacked steamship was actually the American steamship *Gulflight*. According to the attendant circumstances there can be no doubt that the attack is not to be attributed to the fault of the commander, but to an unfortunate accident. The German Government expresses its regrets to the Government of the United States concerning this incident and declares itself ready to furnish full recompense for the damage thereby sustained by American citizens. It begs to leave it to the discretion of the American Government to present a statement of this damage, or, if doubts may arise over individual points, to designate an expert, who would have to determine together with a German expert the amount of the damage.

It has not yet been possible by means of an inquiry fully to clear up the case of the American steamship *Cushing*. According to the official reports available, only one merchant steamship was attacked by a German flying machine in the vicinity of Nordhind Lightship. The German aviator considered the vessel as hostile, and was forced to consider it as such because it carried no flag and also because of no further recognizable neutral markings. The attack, which was carried into effect by means of four bombs, was of course not aimed at any American ship.

That, however, the ship attacked was the American steamer *Cushing* is not impossible, considering the time and place of the occurrence; nevertheless the German Government accordingly requests the American Government to communicate to it the material which has been submitted for judgment, in order that, with this as a basis, it can take a further position in regard to the matter.

While the undersigned leaves it to the Ambassador to bring the foregoing to the immediate attention of his Government, he takes this opportunity, etc.

VON JAGOW.

**The Secretary of State Ad Interim to the American Ambassador
at Berlin**

No. 1803.]

DEPARTMENT OF STATE,

AMERICAN AMBASSADOR, *Berlin*:

Washington, June 9, 1915.

You are instructed to deliver textually the following note to the Minister of Foreign Affairs:

In compliance with Your Excellency's request I did not fail to transmit to my Government immediately upon their receipt your note of May 28 in reply to my note of May 15, and your supplementary note of June 1, setting forth the conclusions so far as reached by the Imperial German Government concerning the attacks on the American steamers *Cushing* and *Gulflight*. I am now instructed by my Government to communicate the following in reply:

The Government of the United States notes with gratification the full recognition by the Imperial German Government, in discussing the case of the *Cushing* and the *Gulflight*, of the principle of the freedom of all parts of the open sea to neutral ships and the frank willingness of the Imperial German Government to acknowledge and meet its liability where the fact of attack upon neutral ships "which have not been guilty of any hostile act" by German aircraft or vessels of war is satisfactorily established; and the Government of the United States will in due course lay before the Imperial German Government, as it requests, full information concerning the attack on the steamer *Cushing*.

With regard to the sinking of the steamer *Falaba*, by which an American citizen lost his life, the Government of the United States is surprised to find the Imperial German Government contending that an effort on the part of a merchantman to escape capture and secure assistance alters the obligation of the officer seeking to make the capture in respect of the safety of the lives of those on board the merchantman, although the vessel had ceased her attempt to escape when torpedoed. These are not new circumstances. They have been in the minds of statesmen and of international jurists throughout the development of naval warfare, and the Government of the United States does not understand that they have ever been held to alter the principles of humanity upon which it has insisted. Nothing but actual forcible resistance or continued efforts to escape by flight when ordered to stop for the purpose of visit on the part of the merchantman has ever been held to forfeit the lives of her passengers or crew. The Government of the United States, however, does not understand that the Imperial German Government is seeking in this case to relieve itself of liability, but only intends to set forth the circumstances which led the commander of the submarine to allow himself to be hurried into the course which he took.

Your Excellency's note, in discussing the loss of American lives resulting from the sinking of the steamship *Lusitania*, adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel, and Your Excellency expresses the fear that this information may not have been brought to the

attention of the Government of the United States. It is stated in the note that the *Lusitania* was undoubtedly equipped with masked guns, supplied with trained gunners and special ammunition, transporting troops from Canada, carrying a cargo not permitted under the laws of the United States to a vessel also carrying passengers, and serving, in virtual effect, as an auxiliary to the naval forces of Great Britain. Fortunately these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in Your Excellency's note, if true, the Government of the United States would have been bound to take official cognizance in performing its recognized duty as a neutral power and in enforcing its national laws. It was its duty to see to it that the *Lusitania* was not armed for offensive action, that she was not serving as a transport, that she did not carry a cargo prohibited by the statutes of the United States, and that, if in fact she was a naval vessel of Great Britain, she should not receive clearance as a merchantman; and it performed that duty and enforced its statutes with scrupulous vigilance through its regularly constituted officials. It is able, therefore, to assure the Imperial German Government that it has been misinformed. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness the Government of the United States sincerely hopes that it will submit that evidence for consideration.

Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the *Lusitania* or regarding the explosion of that material by the torpedo, it need only be said that in the view of this Government these contentions are irrelevant to the question of the legality of the methods used by the German naval authorities in sinking the vessel.

But the sinking of passenger ships involves principles of humanity which throw into the background any special circumstances of detail that may be thought to affect the cases, principles which lift it, as the Imperial German Government will no doubt be quick to recognize and acknowledge, out of the class of ordinary subjects of diplomatic discussion or of international controversy. Whatever be the other facts regarding the *Lusitania*, the principal fact is that a great steamer, primarily and chiefly a conveyance for passengers, and carrying more than a thousand souls who had no part or lot in the conduct of the war, was torpedoed and sunk without so much as a challenge or a warning, and that men, women, and children were sent to their death in circumstances unparalleled in modern warfare. The fact that more than one hundred American citizens were among those who perished made it the duty of the Government of the United States to speak of these things and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests. The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on

behalf of those under its care and authority. Only her actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy. This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveler and seaman had a right to depend. It is upon this principle of humanity as well as upon the law founded upon this principle that the United States must stand.

The Government of the United States is happy to observe that Your Excellency's note closes with the intimation that the Imperial German Government is willing, now as before, to accept the good offices of the United States in an attempt to come to an understanding with the Government of Great Britain by which the character and conditions of the war upon the sea may be changed. The Government of the United States would consider it a privilege thus to serve its friends and the world. It stands ready at any time to convey to either Government any intimation or suggestion the other may be willing to have it convey and cordially invites the Imperial German Government to make use of its services in this way at its convenience. The whole world is concerned in anything that may bring about even a partial accommodation of interests or in any way mitigate the terrors of the present distressing conflict.

In the meantime, whatever arrangement may happily be made between the parties to the war, and whatever may in the opinion of the Imperial German Government have been the provocation or the circumstantial justification for the past acts of its commanders at sea, the Government of the United States confidently looks to see the justice and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights as neutrals invaded.

The Government of the United States therefore very earnestly and very solemnly renews the representations of its note transmitted to the Imperial German Government on the 15th of May, and relies in these representations upon the principles of humanity, the universally recognized understandings of international law, and the ancient friendship of the German nation.

The Government of the United States can not admit that the proclamation of a war zone from which neutral ships have been warned to keep away may be made to operate as in any degree an abbreviation of the rights either of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality. It does not understand the Imperial German Government to question those rights. It understands it, also, to accept as established beyond question the principle that the lives of noncombatants can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unresisting merchantman, and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag. The Government of the United States therefore deems it reasonable to expect that the

Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks for assurances that this will be done.

ROBERT LANSING,
Secretary of State ad Interim.

**The German Minister for Foreign Affairs to the American
Ambassador at Berlin**

[Translation.]

FOREIGN OFFICE,
Berlin, July 8, 1915.

The undersigned has the honor to make the following reply to the note of His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the 10th ultimo, Foreign Office No. 3814, on the subject of the impairment of American interests by the German submarine war:

The Imperial Government has learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principles of humanity realized in the present war. Also, this appeal meets with full sympathy in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the case under consideration to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed it with gratitude when the American Government in its note of May 15, 1915, itself recalled that Germany had always permitted itself to be governed by the principle of progress and humanity in dealing with the law of maritime war. Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin, and Thomas Jefferson the treaty of friendship and commerce of September 10, 1785, between Prussia and the Republic of the West, German and American statesmen have in fact always stood together in the struggle for the freedom of the seas and for the protection of peaceable trade. In the international proceedings which have since been conducted for the regulation of the right of maritime war Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals. Even at the beginning of the present war the German Government immediately declared its willingness, in response to the proposal of the American Government, to ratify the Declaration of London and thereby to subject itself, in the use of naval forces, to all the restrictions provided therein in favor of neutrals. Germany has likewise been always tenacious of the principle that war should be conducted against the armed and organized forces of the enemy country, but that the civilian population of the enemy must be spared as far as possible from the measures of war. The Imperial Govern-

ment cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more the longer its duration, the German Government has no guilt therein.

It is known to the American Government how Germany's adversaries, by completely paralyzing peaceable traffic between Germany and the neutral countries, have aimed from the very beginning, and with increasing lack of consideration, at the destruction not so much of the armed forces as the life of the German nation, repudiating in so doing all the rules of international law and disregarding all the rights of neutrals. On November 3, 1914, England declared the North Sea to be a war area, and by planting poorly anchored mines and the stoppage and capture of vessels made passage extremely dangerous and difficult for neutral shipping, so that it is actually blockading neutral coasts and ports, contrary to all international law. Long before the beginning of the submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to submarine war on trade. On November 16, 1914, the English Prime Minister declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany by way of neutral ports. Since March 1 of this year England has been taking from neutral ships, without further formality, all merchandise proceeding to Germany, as well as all merchandise coming from Germany, even when neutral property. Just as was the case with the Boers, the German people is now to be given the choice of perishing from starvation, with its women and children, or of relinquishing its independence.

While our enemies thus loudly and openly have proclaimed war without mercy until our utter destruction, we are conducting war in self-defense for our national existence and for the sake of peace of assured permanency. We have been obliged to adopt submarine warfare to meet the declared intentions of our enemies and the method of warfare adopted by them in contravention of international law.

With all its efforts in principle to protect neutral life and property from damage as much as possible, the German Government recognized unreservedly in its memorandum of February 4 that the interests of neutrals might suffer from submarine warfare. However, the American Government will also understand and appreciate that in the fight for existence which has been forced upon Germany by its adversaries and announced by them, it is the sacred duty of the Imperial Government to do all within its power to protect and to save the lives of German subjects. If the Imperial Government were derelict in these, its duties, it would be guilty before God and history of the violation of those principles of the highest humanity which are the foundation of every national existence.

The case of the *Lusitania* shows with horrible clearness to what jeopardizing of human lives the manner of conducting war employed by our adversaries leads. In most direct contradiction of international law, all distinctions between merchantmen and war vessels have been obliterated

by the order to British merchantmen to arm themselves and to ram submarines and the promise of rewards therefor; and neutrals who use merchantmen as travelers have thereby been exposed in an increasing degree to all the dangers of war. If the commander of the German submarine which destroyed the *Lusitania* had caused the crew and travelers to put out in boats before firing the torpedo this would have meant the sure destruction of his own vessel. After the experiences in the sinking of much smaller and less seaworthy vessels, it was to be expected that a mighty ship like the *Lusitania* would remain above water long enough, even after the torpedoing, to permit the passengers to enter the ship's boats. Circumstances of a very peculiar kind, especially the presence on board of large quantities of highly explosive materials, defeated this expectation. In addition, it may be pointed out that if the *Lusitania* had been spared thousands of cases of ammunition would have been sent to Germany's enemies and thereby thousands of German mothers and children robbed of their supporters.

In the spirit of friendship with which the German nation has been imbued toward the Union and its inhabitants since the earliest days of its existence, the Imperial Government will always be ready to do all it can, during the present war also, to prevent the jeopardizing of the lives of American citizens.

The Imperial Government therefore repeats the assurances that American ships will not be hindered in the prosecution of legitimate shipping, and the lives of American citizens on neutral vessels shall not be placed in jeopardy.

In order to exclude any unforeseen dangers to American passenger steamers, made possible in view of the conduct of maritime war on the part of Germany's adversaries, the German submarines will be instructed to permit the free and safe passage of such passenger steamers when made recognizable by special markings and notified a reasonable time in advance. The Imperial Government, however, confidently hopes that the American Government will assume the guarantee that these vessels have no contraband on board. The details of the arrangements for the unhampered passage of these vessels would have to be agreed upon by the naval authorities of both sides.

In order to furnish adequate facilities for travel across the Atlantic Ocean for American citizens, the German Government submits for consideration a proposal to increase the number of available steamers by installing in the passenger service a reasonable number of neutral steamers, the exact number to be agreed upon, under the American flag under the same conditions as the American steamers above mentioned.

The Imperial Government believes that it can assume that in this manner adequate facilities for travel across the Atlantic Ocean can be afforded American citizens. There would therefore appear to be no compelling necessity for American citizens to travel to Europe in time of war on ships carrying an enemy flag. In particular the Imperial Government is unable to admit that American citizens can protect an enemy ship through the mere fact of their presence on board. Germany merely followed England's example when it declared part of the high seas an area of war. Consequently accidents suffered by neutrals on enemy ships in this area of war can not well be judged differently from accidents to which neutrals

are at all times exposed at the seat of war on land when they betake themselves into dangerous localities in spite of previous warning.

If, however, it should not be possible for the American Government to acquire an adequate number of neutral passenger steamers, the Imperial Government is prepared to interpose no objections to the placing under the American flag by the American Government of four enemy passenger steamers for the passenger traffic between America and England. The assurances of "free and safe" passage for American passenger steamers would then be extended to apply under the identical pre-conditions to these formerly hostile passenger ships.

The President of the United States has declared his readiness, in a way deserving of thanks, to communicate and suggest proposals to the Government of Great Britain with particular reference to the alteration of maritime war. The Imperial Government will always be glad to make use of the good offices of the President, and hopes that his efforts in the present case, as well as in the direction of the lofty ideal of the freedom of the seas, will lead to an understanding.

The undersigned requests the Ambassador to bring the above to the knowledge of the American Government, and avails himself of the opportunity to renew to His Excellency the assurance of his most distinguished consideration.

VON JAGOW.

The Secretary of State to Ambassador Gerard

[Telegram.]

No. 1981.]

DEPARTMENT OF STATE,

Washington, July 21, 1915.

You are instructed to deliver textually the following note to the Minister for Foreign Affairs:

The note of the Imperial German Government dated the 8th of July, 1915, has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two Governments and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this Government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free,

that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed, and that the lives of non-combatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination; for a belligerent act of retaliation is *per se* an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal.

The Government of the United States is, however, keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States can not discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and that it must regard the conduct of other belligerent governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders. Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent can not retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued. If persisted in it would in such circumstances constitute an unpardonable offense against the sovereignty of the neutral nation affected. The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world can not have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it can not consent to abate any essential or fundamental right of its people because of a mere alteration of circumstance. The rights of neutrals in time of war are based upon principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense.

In view of the admission of illegality made by the Imperial Government when it pleaded the right of retaliation in defense of its acts, and in view of the manifest possibility of conforming to the established rules of naval

warfare, the Government of the United States can not believe that the Imperial Government will longer refrain from disavowing the wanton act of its naval commander in sinking the *Lusitania* or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act.

The Government of the United States, while not indifferent to the friendly spirit in which it is made, can not accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack and would be a curtailment and therefore an abandonment of the principles for which this Government contends and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles, upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost. It invites the practical cooperation of the Imperial German Government at this time when cooperation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it, by whomsoever violated or ignored, in the protection of its own citizens, but is also deeply interested in seeing it made practicable between the belligerents themselves, and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the meantime the very value which this Government sets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter. Friendship itself prompts it to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

LANSING.

The German Ambassador to the Secretary of State

GERMAN EMBASSY,

Washington, D. C., Sept. 1.

MY DEAR MR. SECRETARY: With reference to our conversation of this morning, I beg to inform you that my instructions concerning our answer to your last *Lusitania* note contains the following passage:

"Liners will not be sunk by our submarines without warning and without safety of the lives of noncombatants, provided that the liners do not try to escape or offer resistance."

Although I know that you do not wish to discuss the *Lusitania* question till the *Arabic* incident has been definitely and satisfactorily settled, I desire to inform you of the above because this policy of my government was decided on before the *Arabic* incident occurred.

I have no objection to your making any use you may please of the above information.

I remain, etc.,

J. BERNSTORFF.

Ambassador Gerard to the Secretary of State

AMERICAN EMBASSY,

Berlin, September 7, 1915.

Foreign Office sends me the following report of the sinking of the *Arabic*, with the request that it be brought to the knowledge of the American Government:

"On the 19th of August a German submarine stopped the English steamer *Dunsley* about 60 nautical miles south of Kinsale and was on the point of sinking the prize by gun fire after the crew had left the vessel. At this moment the commander saw a large steamer making directly toward him. This steamer, which, as developed later, was identical with the *Arabic*, was recognized as an enemy vessel, as she did not fly any flag and bore no neutral markings. When she approached she altered her original course, but then again pointed directly toward the submarine. From this the commander became convinced that the steamer had the intention of attacking and ramming him. In order to anticipate this attack he gave orders to have the submarine submerge and fired a torpedo at the steamer. After firing he convinced himself that the people on board were being rescued in 15 boats.

"According to his instructions the commander was not allowed to attack the *Arabic* without warning and without saving lives unless the ship attempted to escape or offered resistance. He was forced to conclude from the attendant circumstances that the *Arabic* planned a violent attack on the submarine. This conclusion was all the more obvious, as he had been fired upon at a great distance in the Irish Sea on August 14—that is, a few days before—by a large passenger steamer apparently belonging to the British Royal Mail Steam Packet Company, which he had neither attacked nor stopped.

"The German Government most deeply regrets that lives were lost through the action of the commander. It particularly expresses this regret to the Government of the United States on account of the death of American citizens. The German Government is unable, however, to acknowledge any obligation to grant indemnity in the matter, even if the commander should have been mistaken as to the aggressive intentions of

the *Arabic*. If it should prove to be the case that it is impossible for the German and the American Government to reach a harmonious opinion on this point, the German Government would be prepared to submit the difference of opinion as being a question of international law to The Hague tribunals, pursuant to article 38 of The Hague Convention for the pacific settlement of international disputes. In so doing it assumes that as a matter of course the arbitral decision shall not be admitted to have the importance of a general decision on the permissibility or the converse under international law of German submarine warfare. Berlin, September 7, 1915."

GERARD.

IV.

CASE OF THE WILLIAM P. FRYE

The Secretary of State to Ambassador Gerard

[Telegram.]

No. 1446.]

DEPARTMENT OF STATE,
Washington, March 31, 1915.

You are instructed to present the following note to the German Foreign Office:

Under instructions from my Government I have the honor to present a claim for \$228,059.54, with interest from January 28, 1915, against the German Government on behalf of the owners and captain of the American sailing vessel *William P. Frye* for damages suffered by them on account of the destruction of that vessel on the high seas by the German armed cruiser *Prinz Eitel Friedrich*, on January 28, 1915.

The facts upon which this claim arises and by reason of which the German Government is held responsible by the Government of the United States for the attendant loss and damages are briefly as follows:

The *William P. Frye*, a steel sailing vessel of 3,374 tons gross tonnage, owned by American citizens and sailing under the United States flag and register, cleared from Seattle, Wash., November 4, 1914, under charter to M. H. Houser, of Portland, Oreg., bound for Queenstown, Falmouth, or Plymouth for orders, with a cargo consisting solely of 186,950 bushels of wheat owned by the aforesaid Houser and consigned "unto order or to its assigns," all of which appears from the ship's papers which were taken from the vessel at the time of her destruction by the commander of the German cruiser.

On January 27, 1915, the *Prinz Eitel Friedrich* encountered the *Frye* on the high seas, compelled her to stop, and sent on board an armed board-

ing party, who took possession. After an examination of the ship's papers the commander of the cruiser directed that the cargo be thrown overboard, but subsequently decided to destroy the vessel, and on the following morning, by his order, the *Frye* was sunk.

The claim of the owners and captain consists of the following items:

Value of ship, equipment, and outfit.....	\$150,000.00
Actual freight as per freight list, 5034 1000/2240 tons at 32-6—£8180-19-6 at \$4.86.....	39,759.54
Traveling and other expenses of Capt. Kiehne and Arthur Sewall & Co., agents of ship, in connection with making affidavits, preparing and filing claim..	500.00
Personal effects of Capt. H. H. Kiehne.....	300.00
Damages covering loss due to deprivation of use of ship.....	37,500.00
Total.....	\$228,059.54

By direction of my Government, I have the honor to request that full reparation be made by the German Government for the destruction of the *William P. Frye* by the German cruiser *Prinz Eitel Friedrich*.

BRYAN.

Ambassador Gerard to the Secretary of State

No. 1984.]

AMERICAN EMBASSY,
Berlin, April 5, 1915.

The following is translation of the reply of the Foreign Office to my note of April 3:

GERMAN FOREIGN OFFICE,
Berlin, April 5, 1915.

The undersigned has the honor to make reply to the note of his Excellency, Mr. James W. Gerard, Ambassador, the United States America, dated the 3d instant, foreign office No. 2892, relative to claims for damages for the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*.

According to the reports which have reached the German Government the commander of the *Prinz Eitel Friedrich* stopped the *William P. Frye* on the high seas January 27, 1915, and searched her. He found on board a cargo of wheat consigned to Queenstown, Falmouth, or Plymouth, to order. After he had first tried to remove the cargo from the *William P. Frye* he took the ship's papers and her crew on board and sank ship.

It results from these facts that the German commander acted quite in accordance with the principles of international law as laid down in the Declaration of London and the German prize ordinance. The ports of Queenstown, Falmouth, and Plymouth, whither the ship visited was bound, are strongly fortified English coast places, which, moreover, serve as bases for the British naval forces. The cargo of wheat being food or foodstuffs, was conditional contraband within the meaning of article 24, No. 1, of the Declaration of London, and article 23, No. 1, of the German prize ordinance, and was therefore to be considered as destined for the armed forces of the enemy, pursuant to articles 33 and 34 of the Declaration of London and articles 32 and 33 of the German prize ordinance, and to be treated as contraband pending proof of the contrary. This proof was certainly not capable of being adduced at the time of the visiting of the vessel since the cargo papers read to order. This, however, furnished the conditions under which, pursuant to article 49 of the Declaration of London and article 113 of the German prize ordinance, the sinking of the ship was permissible, since it was not possible for the auxiliary cruiser to take the prize into a German port without involving danger to its own security or the success of its operations. The duties devolving upon the cruiser before destruction of the ship, pursuant to article 50 of the Declaration of London and article 116 of the German prize ordinance, were fulfilled by the cruiser in that it took on board all the persons found on the sailing vessel, as well as the ship's papers.

The legality of the measures taken by the German commander is furthermore subject to examination by the German prize court pursuant to article 51 of the Declaration of London and section 1, No. 2, of the German Code of Prize Procedure. These prize proceedings will be instituted before the prize court at Hamburg as soon as the ship's papers are received and will comprise the settlement of questions whether the destruction of the cargo and the ship was necessary within the meaning of article 49 of the Declaration of London; whether the property sunk was liable to capture; and whether, or to what extent, indemnity is to be awarded the owners. In the trial the owners of ship and cargo would be at liberty, pursuant to article 34, paragraph 3, of the Declaration of London, to adduce proof that the cargo of wheat had an innocent destination and did not, therefore, have the character of contraband. If such proof is not adduced, the German Government would not be liable for any compensation whatever, according to the general principles of international law.

However, the legal situation is somewhat different in the light of the special stipulations applicable to the relations between Germany and the United States since article 13 of the Prussian-American treaty of friendship and commerce of July 11, 1799, taken in connection with article 12 of Prussian-American treaty of commerce and navigation of May 1, 1828, provides that contraband belonging to the subjects or citizens of either party can not be confiscated by the other in any case but only detained or used in consideration of payment of the full value of the same. On the ground of this treaty stipulation which is as a matter of course binding on the German prize court the American owners of the ship and cargo would receive compensation even if the court should declare the cargo of wheat to be contraband. Nevertheless the approaching prize proceedings are not rendered superfluous since the competent prize court must examine

into the legality of the capture and destruction and also pronounce upon the standing of the claimants and the amount of indemnity.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government and avails himself, etc.

(Signed) VON JAGOW.
GERARD.

APRIL 4, 1915.

The Secretary of State to Ambassador Gerard

No. 1583.]

DEPARTMENT OF STATE,
Washington, April 28, 1915.

You are instructed to present the following note to the German Foreign Office:

In reply to Your Excellency's note of the 5th instant, which the Government of the United States understands admits the liability of the Imperial German Government for the damages resulting from the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich* on January 28 last, I have the honor to say, by direction of my Government, that while the promptness with which the Imperial German Government has admitted its liability is highly appreciated, my Government feels that it would be inappropriate in the circumstances of this case, and would involve unnecessary delay to adopt the suggestion in your note that the legality of the capture and destruction, the standing of the claimants, and the amount of indemnity should be submitted to a prize court.

Unquestionably the destruction of this vessel was a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia, and the United States Government, by virtue of its treaty rights, has presented to the Imperial German Government a claim for indemnity on account of the resulting damages suffered by American citizens. The liability of the Imperial German Government and the standing of the claimants as American citizens and the amount of indemnity are all questions which lend themselves to diplomatic negotiation between the two Governments, and happily the question of liability has already been settled in that way. The status of the claimants and the amount of the indemnity are the only questions remaining to be settled, and it is appropriate that they should be dealt with in the same way.

The Government of the United States fully understands that, as stated in Your Excellency's note, the German Government is liable under the treaty provisions above mentioned for the damages arising from the destruction of the cargo as well as from the destruction of the vessel. But it will be observed that the claim under discussion does not include damages

for the destruction of the cargo, and the question of the value of the cargo therefore is not involved in the present discussion.

The Government of the United States recognizes that the German Government will wish to be satisfied as to the American ownership of the vessel, and the amount of the damages sustained in consequence of her destruction.

These matters are readily ascertainable, and if the German Government desires any further evidence in substantiation of the claim on these points in addition to that furnished by the ship's papers, which are already in the possession of the German Government, any additional evidence found necessary will be produced. In that case, however, inasmuch as any evidence which the German Government may wish to have produced is more accessible and can more conveniently be examined in the United States than elsewhere, on account of the presence there of the owners and captain of the *William P. Frye* and their documentary records, and other possible witnesses, the Government of the United States ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the imperial German embassy at Washington.

In view of the admission of liability by reason of specific treaty stipulations, it has become unnecessary to enter into a discussion of the meaning and effect of the Declaration of London, which is given some prominence in Your Excellency's note of April 5, further than to say that, as the German Government has already been advised, the Government of the United States does not regard the Declaration of London as in force.

BRYAN.

The American Ambassador at Berlin to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

No. 2391.]

Berlin, June 7, 1915.

The following is the text of the reply of the German Government in the *Frye* case:

The undersigned has the honor to make the following reply to the note of His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated April 30, 1915 (F. O. No. 3291), on the subject of the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*:

The German Government can not admit that, as the American Government assumes, the destruction of the sailing vessel mentioned constitutes a violation of the treaties concluded between Prussia and the United States at an earlier date and now applicable to the relations between the German Empire and the United States or of the American rights derived therefrom. For these treaties did not have the intention of depriving one of the contracting parties engaged in war of the right of stopping the supply of contraband to his enemy when he recognizes the supply of such articles

as detrimental to his military interests. On the contrary, Article 13 of the Prussian-American Treaty of July 11, 1799, expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it. As a matter of course, the obligation of the party at war to pay compensation to the interested persons of the neutral contracting party remains in force whatever be the manner of stopping the supply.

According to general principles of international law, any exercise of the right of control over the trade in contraband is subject to the decision of the Prize Courts, even though such right may be restricted by special treaties. At the beginning of the present war Germany, pursuant to these principles, established by law prize jurisdiction for cases of the kind under consideration. The case of the *William P. Frye* is likewise subject to the German prize jurisdiction, for the Prussian-American Treaties mentioned contain no stipulation as to how the amount of the compensation provided by Article 13 of the treaty cited is to be fixed. The German Government, therefore, complies with its treaty obligations to a full extent when the Prize Courts instituted by it in accordance with international law proceed in pursuance of the treaty stipulations and thus award the American interested persons equitable indemnity. There would, therefore, be no foundation for a claim of the American Government, unless the Prize Courts should not grant indemnity in accordance with the treaty; in such an event, however, the German Government would not hesitate to arrange for equitable indemnity notwithstanding. For the rest, prize proceedings in the case of the *Frye* are indispensable, apart from the American claims, for the reason that other claims of neutral and enemy interested parties are to be considered in the matter.

As was stated in the note of April 4, last, the Prize Court will have to decide the questions whether the destruction of the ship and cargo was legal; whether and under what conditions the property sunk was liable to confiscation, and to whom and in what amount indemnity is to be paid provided application therefor is received. Since the decision of the Prize Court must first be awaited before any further position is taken by the German Government, the simplest way for the American interested parties to settle their claims would be to enter them in the competent quarter in accordance with the provisions of the German Code of Prize Procedure.

The undersigned begs to suggest that the ambassador bring the above to the knowledge of his Government, and avails himself at the same time of the opportunity to renew the assurances of his most distinguished consideration.

(Signed) VON JAGOW.

The Secretary of State to the American Ambassador at Berlin

[Telegram]

DEPARTMENT OF STATE,

No. 1868.]

Washington, June 24, 1915.

You are instructed to present the following note to the German Minister of Foreign Affairs:

I have the honor to inform Your Excellency that I duly communicated to my Government your note of the 7th instant on the subject of the claim presented in my note of April 3d last, on behalf of the owners and captain of the American sailing vessel *William P. Frye* in consequence of her destruction by the German auxiliary cruiser *Prinz Eitel Friedrich*.

In reply I am instructed by my Government to say that it has carefully considered the reasons given by the Imperial German Government for urging that this claim should be passed upon by the German Prize Court instead of being settled by direct diplomatic discussion between the two Governments, as proposed by the Government of the United States, and that it regrets to find that it can not concur in the conclusions reached by the Imperial German Government.

As pointed out in my last note to you on this subject, dated April 30, the Government of the United States has considered that the only question under discussion was the method which should be adopted for ascertaining the amount of the indemnity to be paid under an admitted liability, and it notes with surprise that in addition to this question the Imperial German Government now desires to raise some questions as to the meaning and effect of the treaty stipulations under which it has admitted its liability.

If the Government of the United States correctly understands the position of the Imperial German Government as now presented, it is that the provisions of Article 13 of the Treaty of 1799 between the United States and Prussia, which is continued in force by the Treaty of 1828, justified the commander of the *Prinz Eitel Friedrich* in sinking the *William P. Frye*, although making the Imperial German Government liable for the damages suffered in consequence, and that inasmuch as the treaty provides no specific method for ascertaining the amount of indemnity to be paid, that question must be submitted to the German Prize Court for determination.

The Government of the United States, on the other hand, does not find in the treaty stipulations mentioned any justification for the sinking of the *Frye*, and does not consider that the German Prize Court has any jurisdiction over the question of the amount of indemnity to be paid by the Imperial German Government on account of its admitted liability for the destruction of an American vessel on the high seas.

You state in your note of the 7th instant that article 13 of the above-mentioned treaty of 1799 "expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it."

The Government of the United States can not concur in this conclusion. On the contrary, it holds that these treaty provisions do not authorize the destruction of a neutral vessel in any circumstances. By its express terms the treaty prohibits even the detention of a neutral vessel carrying contraband if the master of the vessel is willing to surrender the contraband. Article 13 provides:

"in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

In this case the admitted facts show that pursuant to orders from the commander of the German cruiser, the master of the *Frye* undertook to throw overboard the cargo of that vessel, but that before the work of delivering out the cargo was finished the vessel with the cargo was sunk by order of the German commander.

For these reasons, even if it be assumed as Your Excellency has done, that the cargo was contraband, your contention that the destruction of the vessel was justified by the provisions of Article 13 does not seem to be well founded. The Government of the United States has not thought it necessary in the discussion of this case to go into the question of the contraband or noncontraband character of the cargo. The Imperial German Government has admitted that this question makes no difference so far as its liability for damages is concerned, and the result is the same as far as the justification for the sinking of the vessel is concerned. As shown above, if we assume that the cargo was contraband, the master of the *Frye* should have been allowed to deliver it out, and the vessel should have been allowed to proceed on her voyage.

On the other hand, if we assume that the cargo was noncontraband, the destruction either of the cargo or the vessel could not be justified in the circumstances of this case under any accepted rule of international law. Attention is also called to the provisions of Article 12 of the Treaty of 1785 between the United States and Prussia, which, like Article 13 of the Treaty of 1799, was continued in force by Article 12 of the Treaty of 1828. So far as the provisions of Article 12 of the Treaty of 1785 apply to the question under consideration, they are as follows:

"If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other."

It seems clear to the Government of the United States, therefore, that whether the cargo of the *Frye* is regarded as contraband or a noncontraband, the destruction of the vessel was, as stated in my previous communication on this subject, "a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia."

For these reasons the Government of the United States must disagree with the contention which it understands is now made by the Imperial German Government that an American vessel carrying contraband may be destroyed without liability or accountability beyond the payment of such compensation for damages as may be fixed by a German Prize Court. The issue thus presented arises on a disputed interpretation of treaty provisions, the settlement of which requires direct diplomatic discussion between the two Governments, and can not properly be based upon the decision of the German Prize Court, which is in no way conclusive or binding upon the Government of the United States.

Moreover, even if no disputed questions of treaty interpretation was involved, the admission by the Imperial German Government of its liability for damages for sinking the vessel would seem to make it unnecessary, so far as this claim is concerned, to ask the Prize Court to decide "whether the destruction of the ship and cargo was legal, and whether and under what conditions the property sunk was liable to confiscation," which, you state in your note dated June 7, are questions which should be decided by the Prize Court. Insofar as these questions relate to the cargo, they are outside of the present discussion, because, as pointed out in my previous note to you on the subject dated April 30, "the claim under discussion does not include damages for the destruction of the cargo."

The real question between the two Governments is what reparation must be made for a breach of treaty obligations, and that is not a question which falls within the jurisdiction of a Prize Court.

In my first note on the subject, the Government of the United States requested that "full reparation be made by the Imperial German Government for the destruction of the *William P. Frye*." Reparation necessarily includes an indemnity for the actual pecuniary loss sustained, and the Government of the United States takes this opportunity to assure the Imperial German Government that such an indemnity, if promptly paid, will be accepted as satisfactory reparation, but it does not rest with a Prize Court to determine what reparation should be made, or what reparation would be satisfactory to the Government of the United States.

Your Excellency states in your note of June 7 that in the event the Prize Court should not grant indemnity in accordance with the treaty requirements, the German Government would not hesitate to arrange for equitable indemnity, but it is also necessary that the Government of the United States should be satisfied with the amount of the indemnity, and it would seem to be more appropriate and convenient that an arrangement for equitable indemnity should be agreed upon now, rather than later. The decision of the Prize Court, even on the question of the amount of indemnity to be paid, would not be binding or conclusive on the Government of the United States.

The Government of the United States also dissents from the view expressed in your note that "there would be no foundation for a claim of the American Government unless the Prize Courts should not grant indemnity in accordance with the treaty." The claim presented by the American Government is for an indemnity for a violation of a treaty, in distinction from an indemnity in accordance with the treaty, and therefore is a matter for adjustment by direct diplomatic discussion between the two

Governments, and is in no way dependent upon the action of a German Prize Court.

For the reasons above stated, the Government of the United States can not recognize the propriety of submitting the claim presented by it on behalf of the owners and captain of the *Frye* to the German Prize Court for settlement.

The Government of the United States is not concerned with any proceedings which the Imperial German Government may wish to take on "other claims of neutral and enemy interested parties," which have not been presented by the Government of the United States, but which you state in your note of June 7 make Prize Court proceedings in this case indispensable, and it does not perceive the necessity for postponing the settlement of the present claim pending the consideration of those other claims by the Prize Court.

The Government of the United States, therefore, suggests that the Imperial German Government reconsider the subject in the light of these considerations, and, because of the objections against resorting to the Prize Court, the Government of the United States renews its former suggestion that an effort be made to settle this claim by direct diplomatic negotiations.

LANSING.

Ambassador Gerard to the Secretary of State

[Telegram.]

No. 2656.]

AMERICAN EMBASSY,
Berlin, July 30, 1915.

Following note received:

FOREIGN OFFICE,
Berlin, July 30, 1915.

The undersigned has the honor to inform His Excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 26th ultimo, Foreign Office No. 3990, on the subject of the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prince Eitel Friedrich*, that the points of view brought out in the note have been carefully examined by the Imperial German Government. This examination has led to the following conclusions:

The Government of the United States believes that it is incumbent upon it to take the position that the treaty rights to which America is entitled, as contained in Article 12 of the Prussian-American treaty of amity and commerce of September 10, 1785, in Article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, were violated by the sinking of the *William P. Frye*. It interprets these articles as meaning that a merchantman of the neutral contracting party carrying contraband can not in any circumstances be destroyed by a warship of the belligerent contracting party, and that the sinking of the *William P. Frye* was, therefore, in violation of the treaty, even if her cargo should have consisted of contraband, which it leaves outside of the discussion.

The German Government can not accept this view. It insists as heretofore that the commander of the German auxiliary cruiser acted in the legal exercise of the right of control of trade in contraband enjoyed by warships of belligerent nations, and that the treaty stipulations mentioned merely oblige the German Government to make compensation for the damage sustained by the American citizens concerned.

It is not disputed by the American Government that according to general principles of international law a belligerent is authorized in sinking neutral vessels under almost any conditions for carrying contraband. As is well known, these principles were laid down in Articles 49 and 50 of the Declaration of London, and were recognized at that time by the duly empowered delegates of all the nations which participated in the conference, including the American delegates, to be declarative of existing international law (see preliminary clause of the Declaration of London); moreover, at the beginning of the present war, the American Government proposed to the belligerent nations to ratify the Declaration of London and give its provisions formal validity also.

The German Government has already explained in its note of April 4 last for what reasons it considers that the conditions justifying the sinking under international law were present in the case of the *William P. Frye*. The cargo consisted of conditional contraband, the destination of which for the hostile armed forces was to be presumed under the circumstances; no proof to overcome this presumption has been furnished. More than half the cargo of the vessel was contraband, so that the vessel was liable to confiscation. The attempt to bring the American vessel into a German port would have greatly imperiled the German vessel in the given situation of the war, and at any rate practically defeated the success of her further operations. Thus the authority for sinking the vessel was given according to general principles of international law.

There only remains then to be examined the question how far the Prussian-American treaty stipulations modify these principles of international law.

In this connection Article 12 of the treaty of 1785 provides that in the event of a war between one of the contracting parties with another power the free commerce and intercourse of the nationals of the party remaining neutral with the belligerent powers shall not be interrupted, but that on the contrary the vessel of the neutral party may navigate freely to and from the ports of the belligerent powers, even neutralizing enemy goods on board thereof. However, this article merely formulates general rules for the freedom of maritime intercourse and leaves the question of contraband untouched; the specific stipulations on this point are contained in the following article, which is materially identical with Article 13 of the treaty of 1799 now in force.

The plain intention of Article 13 is to establish a reasonable compromise between the military interests of the belligerent contracting party and the commercial interests of the neutral party. On the one hand the belligerent party is to have the right to prevent the transportation of war supplies to his adversaries even when carried on vessels of the neutral party; on the other hand the commerce and navigation of the neutral party is to be interfered with as little as possible by the measures necessary for such prevention, and reasonable compensation is to be paid for any inconven-

ience or damage which may nevertheless ensue from the proceeding of the belligerent party.

Article 13 recites the following means whereby the belligerent party can prevent the vessels of the neutral party from carrying war supplies to his adversary. The detention of the ship and cargo for such length of time as the belligerent may think necessary; furthermore the taking over of the war stores for his own use, paying the full value of the same as ascertained at the place of destination. The right of sinking is not mentioned in the treaty and is therefore neither expressly permitted nor expressly prohibited, so that on this point the party stipulations must be supplemented by the general rules of international law. From the meaning and spirit of the treaty it really appears out of the question that it was intended to expect of the belligerent that he should permit a vessel loaded with contraband, for example a shipment of arms and ammunition of decisive importance for the outcome of the war, to proceed unhindered to his enemy when circumstances forbid the carrying of the (* * *)¹ into port, if the general rules of international law allow sinking of the vessel.

The remaining stipulations of Article 13 must likewise be considered in this light; they provide that the captain of a vessel stopped shall be allowed to proceed on his voyage if he delivers out the contraband to the warship which stopped his vessel. For such delivering out can not of course be considered when the ensuing loss of time imperils either the war ship herself or the success of her other operations. In the case of the *William P. Frye* the German commander at first tried to have matters settled by the delivery of contraband, but convinced himself of the impracticability of this attempt in that it would expose his ship to attack by whatever superior force of enemy war vessels pursuing him, and was accordingly obliged to determine upon the sinking of the *Frye*. Thus he did not exceed on this point the limits to which he was bound by Article 13.

However, Article 13 asserts itself here to the extent that it founds the obligation to compensate the American citizens affected, whereas according to the general rules of international law the belligerent party does not need to grant compensation for a vessel lawfully sunk. For, if by Article 13, the mere exercise of right of highways makes the belligerent liable for compensation, this must apply *a fortiori* to the exercise of the right of sinking.

The question whether the German commander acted legally was primarily a subject for the consideration of the German prize courts according to general principles of international law as laid down, also in Article I of The Hague Convention for the establishment of an international prize court and in Article 51 of the Declaration of London. The German Government consequently laid the case of the *William P. Frye* before the competent prize court at Hamburg, as was stated in its note of the 7th ultimo. This court found by its judgment of the 10th instant that the cargo of the American vessel *William P. Frye* was contraband, that the vessel could not be carried into port, and that the sinking was therefore justified; at the same time the court expressly recognized the validity of the Prussian-American treaty stipulations severally (* * *)¹ model for the relations between the German Empire and America, so that the sinking of the ship and cargo, so far as American property, makes the German Empire liable for indemnity. The prize court was unable to fix the indemnity itself,

¹ Omission.

since it had no data before it, failing the receipt of the necessary details from the parties interested.

It will now be necessary to settle these points in a different way. The German Government suggests as the simplest way that each of the two Governments designate an expert, and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her. The German Government will promptly pay the amount of indemnity thus ascertained; it expressly declares, however, reverting to what has been stated above, that this payment does not constitute satisfaction for the violation of American treaty rights, but a duty or policy of this Government founded on the existing treaty stipulations.

Should the American Government not agree to this manner of settling the matter, the German Government is prepared to submit the difference of opinion as being a question of the interpretation of the existing treaties between Germany and the United States to the tribunal at The Hague, pursuant to Article 38 of The Hague Convention for the pacific settlement of international disputes.

The undersigned begs to suggest that the Ambassador bring the above to the attention of his Government and avails himself, etc.,

VON JAGOW.

GERARD.

LIST OF PUBLICATIONS

Nos. 1—85 (April, 1907, to December, 1914). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

83. Official Documents Bearing upon the European War. Series I.
 - I. The Austro-Hungarian Note to Servia.
 - II. The Servian Reply.
 - III. The British White Paper.
 - IV. The German White Book. October, 1914.
84. Additional Official Documents Bearing upon the European War. Series II.
 - I. Speech of the Imperial Chancellor to Reichstag, August 4, 1914.
 - II. Speech of the Prime Minister to House of Commons, August 6, 1914.
 - III. The Russian Orange Book.
 - IV. The Original Texts of the Austrian Note of July 23, 1914, and the Servian Reply of July 25, 1914, with annotations. November, 1914.
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 - IV. Addresses to the People by the Emperor of Germany. December, 1914.
86. Documents Regarding to European War. Series No. IV.
 - I. Turkish Official Documents. November, 1914.
 - II. Speech of the Imperial Chancellor to the Reichstag. December 2, 1914.
 - III. The Belgian Gray Book. (July 24, August 29, 1914.) January, 1915.
87. Documents Regarding the European War. Series*No. V.

The French Yellow Book, Translated and Prepared for Parliament by the British Government. February, 1915.
88. Documents Regarding the European War. Series No. V.

The French Yellow Book, Translated and Prepared for Parliament by the British Government. March, 1915.
89. Documents Regarding the European War. Series No. VI.

The Austrian Red Book, Official Translation Prepared by the Austrian Government. April, 1915.
90. Documents Regarding the European War. Series No. VII.

The Serbian Blue Book. May, 1915.
91. The Fundamental Causes of the World War, by Alfred H. Fried. June, 1915.
92. To the Citizens of the Belligerent States, by G. Heymans. July, 1915.
93. Documents Regarding the European War. Series No. VIII.

Italy's Green Book, Translation approved by Royal Italian Embassy, Washington, D. C. August, 1915.
94. Documents Regarding the European War. Series No. IX.

Official Correspondence Between the United States and Germany.
 - I. Declaration of London, August 6, 1914—October 24, 1914.
 - II. Contraband of War, September 4, 1914—April 26, 1915.
 - III. Restraints of Commerce, February 6, 1915—September 7, 1915.
 - IV. Case of the William P. Frye, March 31, 1915—July 30, 1915. September, 1915

Special Bulletins:

- A Brief Outline of the Nature and Aims of Pacifism, by Alfred H. Fried. Translated by John Mez. April, 1915.
- Internationalism. A list of Current Periodicals selected and annotated by Frederick C. Hicks. May, 1915.
- The Futility of Preparedness as the Cartoonists See It, with introduction by Charles E. Jefferson. May, 1915.
- Spirit of Militarism and Non-Military Preparation for Defense; by John Lovejoy Elliott and R. Tait McKenzie. June, 1915.
- Existing Alliances and a League of Peace, by John Bates Clark. July, 1915.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Postoffice Sub-station 84, New York, N. Y.

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DOCUMENTS REGARDING THE EUROPEAN WAR SERIES No. X

OFFICIAL CORRESPONDENCE BETWEEN THE UNITED STATES AND GREAT BRITAIN


- I. DECLARATION OF LONDON,
August 6, 1914—October 22, 1914
- II. CONTRABAND OF WAR,
August 5, 1914—April 10, 1915
- III. RESTRAINTS OF COMMERCE,
December 26, 1914—July 31, 1915
- IV. CASE OF THE WILHELMINA,
February 15, 1915—April 8, 1915



OCTOBER, 1915

No. 95

American Association for International Conciliation
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1915


It is the aim of the Association for International Conciliation to awaken interest and to seek co-operation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

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OFFICIAL CORRESPONDENCE BETWEEN THE UNITED STATES AND GREAT BRITAIN

I.

THE DECLARATION OF LONDON.

The Secretary of State to Ambassador W. H. Page ¹

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 6, 1914, 1 p. m.

Mr. Bryan instructs Mr. Page to inquire whether the British Government is willing to agree that the laws of naval warfare as laid down by the Declaration of London of 1909 shall be applicable to naval warfare during the present conflict in Europe provided that the Governments with whom Great Britain is or may be at war also agree to such application. Mr. Bryan further instructs Mr. Page to state that the Government of the United States believes that an acceptance of these laws by the belligerents would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents. Mr. Bryan adds that it is earnestly hoped that this inquiry may receive favorable consideration.

Ambassador W. H. Page to the Secretary of State

No. 420.]

AMERICAN EMBASSY,
London, August 27, 1914.

SIR: I have the honor to transmit herewith inclosed a copy of the note from the Foreign Office I telegraphed you on the 26th instant (No. 483) defining the attitude of the British Government with regard to the so-called Declaration of London, 1909, together with a copy of a memorandum which accompanied the note, and a copy of the King's order in council of the 20th instant relating to this matter.

There will also be found attached a copy of a circular note I have just received from the Foreign Office relating to the same order in council and to the rules governing the proceedings in the British prize courts. Another copy of the King's order in council of the 20th instant, which accompanied the circular note, is inclosed herewith and there will be found as well, in the pouch which accompanies this despatch, six copies of the Prize Court Rules.

I have, etc.,

WALTER HINES PAGE.

[Inclosure 1.]

The Minister for Foreign Affairs to Ambassador W. H. Page

FOREIGN OFFICE,
London, August 22, 1914.

YOUR EXCELLENCY: On the 7th instant you were so good as to address to me a note inquiring, pursuant to instructions from the Secretary of State at Washington, whether His Majesty's Government were willing to agree that the laws of naval warfare, as laid down by the Declaration of London, 1909, should be applicable to naval warfare during the present European

¹ Same mutatis mutandis to: The American Embassies at St. Petersburg, Paris, Berlin, and Vienna, and the American Legation at Brussels.

conflict, provided that the Governments with whom Great Britain is at war, or with whom her relations are not normal, also agree to such application.

Your Excellency added that it was the belief of your Government that the acceptance of these laws by the belligerents would prevent the possibility of grave misunderstandings as to the relations between belligerents and neutrals.

I have the honor to inform Your Excellency that His Majesty's Government, who attach great importance to the views expressed in Your Excellency's note and are animated by a keen desire to consult so far as possible the interests of neutral countries, have given this matter their most careful consideration and have pleasure in stating that they have decided to adopt generally the rules of the declaration in question, subject to certain modifications and additions which they judge indispensable to the efficient conduct of their naval operations. A detailed explanation of these additions and modifications is contained in the inclosed memorandum.

The necessary steps to carry the above decision into effect have now been taken by the issue of an order in council, of which I have the honor to inclose copies herein for Your Excellency's information and for transmission to your Government.

I may add that His Majesty's Government, in deciding to adhere to the rules of the Declaration of London, subject only to the aforesaid modifications and additions, have not waited to learn the intentions of the enemy Governments, but have been actuated by a desire to terminate at the earliest moment the condition of uncertainty which has been prejudicing the interests of neutral trade.

I have, etc.,

E. A. CROWE.

[Inclosure 2.]

MEMORANDUM

1. The lists of contraband already published by His Majesty are substituted for those contained in Articles 22 and 24 of the Declaration of London. Lists similar to those published by His Majesty have been issued by the French Government.

2. His Majesty's Government do not feel able to accept in its entirety the rule laid down in Article 38 of the Declaration. It has been the practice of the British Navy to treat as liable to capture a vessel which carried contraband of war with false papers if she was encountered on the return voyage, and to this exception His Majesty's Government feel it necessary to adhere.

3. The peculiar conditions in the present war due to the fact that neutral ports such as Rotterdam are the chief means of access to a large part of Germany and that exceptional measures have been taken in the enemy country for the control by the Government of the entire supply of foodstuffs have convinced His Majesty's Government that modifications are required in the applications of Articles 34 and 35 of the Declaration. These modifications are contained in paragraphs 3 and 5 of the accompanying Order in Council.

4. Article 15 of the Declaration contains a provision as to presumptive knowledge of the blockade in certain cases if the vessel has sailed from a neutral port. No mention is made of British or allied enemy ports. These omissions are supplied by Article 4 of the Order in Council.

5. The Order in Council also provides for the acceptance of the very valuable commentary on the Declaration which was embodied in the General Report prepared by Monsieur Renault.

ORDER IN COUNCIL¹

**Directing the Adoption and Enforcement During the Present Hostilities
of the Convention Known as the Declaration of London,
Subject to Additions and Modifications**

1914. No. 1260

At the court at Buckingham Palace, the 20th day of August, 1914. Present,
The King's Most Excellent Majesty in Council.

Whereas during the present hostilities the naval forces of His Majesty will cooperate with the French and Russian naval forces; and

Whereas it is desirable that the naval operations of the allied forces so far as they affect neutral ships and commerce should be conducted on similar principles; and

Whereas the Governments of France and Russia have informed His Majesty's Government that during the present hostilities it is their intention to act in accordance with the provisions of the convention known as the Declaration of London, signed on the 26th day of February, 1909, so far as may be practicable.

Now, therefore, His Majesty, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that during the present hostilities the convention known as the Declaration of London shall, subject to the following additions and modifications, be adopted and put in force by His Majesty's Government as if the same had been ratified by His Majesty:

The additions and modifications are as follows:

(1) The lists of absolute and conditional contraband contained in the proclamation dated August 4, 1914, shall be substituted for the lists contained in Articles 22 and 24 of the said declaration.

(2) A neutral vessel which succeeded in carrying contraband to the enemy with false papers may be detained for having carried such contraband if she is encountered before she has completed her return voyage.

(3) The destination referred to in Article 33 may be inferred from any sufficient evidence, and (in addition to the presumption laid down in Article 34) shall be presumed to exist if the goods are consigned to or for an agent of the enemy State or to or for a merchant or other person under the control of the authorities of the enemy State.

(4) The existence of a blockade shall be presumed to be known—

(a) To all ships which sailed from or touched at an enemy port a sufficient time after the notification of the blockade to the local authorities to have enabled the enemy Government to make known the existence of the blockade;

(b) To all ships which sailed from or touched at a British or allied port after the publication of the declaration of the blockade.

(5) Notwithstanding the provisions of Article 35 of the said Declaration, conditional contraband, if shown to have the destination referred to in Article 32, is liable to capture, to whatever port the vessel is bound and at whatever port the cargo is to be discharged.

(6) The General Report of the Drafting Committee on the said Declaration presented to the Naval Conference and adopted by the conference at the eleventh plenary meeting on February 25, 1909, shall be considered by all Prize Courts as an authoritative statement of the meaning and intention of the said Declaration, and such courts shall construe and interpret the provisions of the said Declaration by the light of the commentary given therein.

¹ The above was repealed by the Order in Council of Oct. 29, 1914. See Part II, p. 13.

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other judges of His Majesty's Prize Courts, and all governors, officers, and authorities whom it may concern are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

The Acting Secretary of State to Ambassador W. H. Page

[Telegram.]

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DEPARTMENT OF STATE,

Washington, October 22, 1914, 4 p. m.

Your No. 864, October 19, Declaration of London.

Inasmuch as the British Government consider that the conditions of the present European conflict make it impossible for them to accept without modification the Declaration of London, you are requested to inform His Majesty's Government that in the circumstances the Government of the United States feels obliged to withdraw its suggestion that the Declaration of London be adopted as a temporary code of naval warfare to be observed by belligerents and neutrals during the present war; that therefore this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States irrespective of the provisions of the Declaration of London; and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with by the authorities of His Britannic Majesty's Government.

LANSING.

II.

CONTRABAND OF WAR.

BRITISH CONTRABAND.

Ambassador Page to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,

London, August 5, 1914.

Mr. Page reports that he has received from the Foreign Office list of articles which the British Government have declared to be absolute contraband, and conditional contraband, respectively, during the present war:

PROCLAMATION

August 4, 1914. No. 1250.

Specifying the articles to be treated as contraband of war.

GEORGE R. I.

Whereas a state of war exists between us on the one hand and the German Empire on the other:

And whereas it is necessary to specify the articles which it is our intention to treat as contraband of war:

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be

treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband:

SCHEDULE I

The following articles will be treated as absolute contraband:

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
5. Clothing and equipment of a distinctively military character.
6. All kinds of harness of a distinctively military character.
7. Saddle, draft, and pack animals suitable for use in war.
8. Articles of camp equipment and their distinctive component parts.
9. Armor plates.
10. Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.
11. Aeroplanes, airships, balloons, and air craft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and air craft.
12. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II

The following articles will be treated as conditional contraband:

1. Foodstuffs.
2. Forage and grain suitable for feeding animals.
3. Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds available for use in war and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, part of docks, and their component parts.
7. Railway material, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel; lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Barbed wire, and implements for fixing and cutting the same.
11. Horseshoes and shoeing materials.
12. Harness and saddlery.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at our court at Buckingham Palace, this fourth day of August, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

AMERICAN EMBASSY,
London, September 30, 1914.

Following proclamation regarding contraband of war has been received from the Foreign Office.

PAGE.

PROCLAMATION

September 21, 1914. No. 1410.

Specifying certain additional articles which are to be treated as contraband of war

GEORGE R. I.

Whereas on the 4th day of August last, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor.

And whereas on the 12th day of August last we did by our royal proclamation of that date extend our proclamation afore-mentioned to the war between us and the Emperor of Austria, King of Hungary.

And whereas by an order in council of the 20th day of August, 1914, it was ordered that during the present hostilities the convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force as if the same had been ratified by us.

And whereas it is desirable to add to the list of articles to be treated as contraband of war during the present war.

And whereas it is expedient to introduce certain further modifications in the Declaration of London as adopted and put into force.

Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war, or until we do give further public notice, the articles enumerated in the schedule hereto will, notwithstanding anything contained in Article 28 of the Declaration of London, be treated as conditional contraband.

Schedule

Copper, unwrought.

Lead, pig, sheet, or pipe.

Glycerine.

Ferrochrome.

Haematite iron ore.

Magnetic iron ore.

Rubber.

Hides and skins, raw or rough tanned
(but not including dressed leather).

Given at our court at Buckingham Palace, this twenty-first day of September, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

Ambassador W. H. Page to the Secretary of State

No. 549.]

AMERICAN EMBASSY,

London, November 3, 1914.

SIR: I have the honor to transmit herewith a copy of a proclamation containing a revised list of articles which the British Government have decided to declare absolute or conditional contraband, respectively, during the present war, as well as a copy of an Order in Council defining the attitude of His Majesty's Government toward the Declaration of London during the present hostilities and the rules which have been decided to be adopted in modification of the declaration.

I have, etc.,

WALTER HINES PAGE.

PROCLAMATION

October 29, 1914. No. 1613.

Revising the List of Contraband of War

GEORGE R. I.

Whereas, on the fourth day of August, 1914, We did issue Our Royal Proclamation specifying the articles which it was Our intention to treat as

contraband of war during the war between Us and the German Emperor; and

Whereas, on the twelfth day of August, 1914, We did by Our Royal Proclamation of that date extend Our Proclamation aforementioned to the war between Us and the Emperor of Austria, King of Hungary; and

Whereas on the twenty-first day of September, 1914, We did by Our Royal Proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas it is expedient to consolidate the said lists and to make certain additions thereto:

Now, therefore, We do hereby declare, by and with the advice of Our Privy Council, that the lists of contraband contained in the schedules to Our Royal Proclamations of the fourth day of August and the twenty-first day of September aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until We do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated conditional contraband.

SCHEDULE I

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Sulphuric acid.
5. Gun mountings, limber boxes, limbers, military wagons, field forges and their distinctive component parts.
6. Range-finders and their distinctive component parts.
7. Clothing and equipment of a distinctively military character.
8. Saddle, draft and pack animals suitable for use in war.
9. All kinds of harness of a distinctively military character.
10. Articles of camp equipment and their distinctive component parts.
11. Armour plates.
12. Hæmatite iron ore and hæmatite pig iron.
13. Iron pyrites.
14. Nickel ore and nickel.
15. Ferrochrome and chrome ore.
16. Copper, unwrought.
17. Lead, pig, sheet, or pipe.
18. Aluminium.
19. Ferro-silica.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
23. Motor vehicles of all kinds and their component parts.
24. Motor tires; rubber.
25. Mineral oils and motor spirit, except lubricating oils.
26. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II

1. Foodstuffs.
2. Forage and feeding stuff for animals.

3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Sulphur.
11. Glycerine.
12. Horsehoes and shoeing materials.
13. Harness and saddlery.
14. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
15. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at our court at Buckingham Palace, this twenty-ninth day of October, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

ORDER IN COUNCIL

October 29, 1914. No. 1614.

Whereas by an Order in Council dated the 20th day of August, 1914, His Majesty was pleased to declare that during the present hostilities the Convention known as the Declaration of London should, subject to certain additions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

Whereas the said additions and modifications were rendered necessary by the special conditions of the present war; and

Whereas it is desirable and possible now to reenact the said Order in Council with amendments in order to minimize, so far as possible, the interference with innocent neutral trade occasioned by the war:

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows:

1. During the present hostilities the provisions of the Convention known as the Declaration of London shall, subject to the exclusion of the lists of contraband and noncontraband, and to the modifications hereinafter set out, be adopted and put in force by His Majesty's Government.

The modifications are as follows:

- (i) A neutral vessel, with papers indicating a neutral destination, which, notwithstanding the destination shown on the papers, proceeds to an enemy port, shall be liable to capture and condemnation if she is encountered before the end of her next voyage.
- (ii) The destination referred to in Article 33 of the said Declaration shall (in addition to the presumptions laid down in Article 34) be presumed to exist if the goods are consigned to or for an agent of the enemy State.
- (iii) Notwithstanding the provisions of Article 35 to the said Declaration, conditional contraband shall be liable to capture on board a vessel bound for a neutral port if the goods are consigned "to order," or if the ship's papers do not show who is the consignee of the goods, or if they show a consignee of the goods in territory belonging to or occupied by the enemy.

- (iv) In the cases covered by the preceding paragraph (iii) it shall lie upon the owners of the goods to prove that their destination was innocent.

2. Where it is shown to the satisfaction of one of His Majesty's Principal Secretaries of State that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, Article 35 of the said Declaration shall not apply. Such direction shall be notified in the "London Gazette" and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

3. The Order in Council of the 20th August, 1914, directing the adoption and enforcement during the present hostilities of the Convention known as the Declaration of London, subject to the additions and modifications therein specified, is hereby repealed.

4. This Order may be cited as "the Declaration of London Order in Council, No. 2, 1914."

And the Lords Commissioners of His Majesty's Treasury, the Lord Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other Judges of His Majesty's Prize Courts, and all Governors, Officers, and Authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

ALMERIC FITZROY.

Consul General Skinner to the Secretary of State

[Telegram.]

AMERICAN CONSULATE GENERAL,
London, November 17, 1914—6 p. m.

Foreign Office states: "Cottonseed cake, being feeding stuff for cattle, is conditional contraband and will be treated in strict accordance with order in council, article 1, subarticle 3."

SKINNER.

Consul General Skinner to the Secretary of State

[Telegram.]

AMERICAN CONSULATE GENERAL,
London, November 25, 1914.

British authorities inform me to-day in their view toluene and toluol are contraband.

SKINNER.

Consul General Skinner to the Secretary of State

[Telegram.]

AMERICAN CONSULATE GENERAL,
London, December 24, 1914.

Mr. Skinner states that radically amended contraband list is promulgated by proclamation of December 23, 1914, as follows:

PROCLAMATION

December 23, 1914.

Revising the List of Articles to be Treated as Contraband of War.

GEORGE, R. I.

Whereas on the 4th day of August, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband of war during the war between us and the German Emperor; and

Whereas on the 12th day of August, 1914, we did by our royal proclamation of that date extend our proclamation aforementioned to the war between us and the Emperor of Austria, King of Hungary; and

Whereas on the 21st day of September, 1914, we did by our royal proclamation of that date make certain additions to the list of articles to be treated as contraband of war; and

Whereas on the 29th day of October, 1914, we did by our royal proclamation of that date withdraw the said lists of contraband and substitute therefor the lists contained in the schedules to the said proclamation; and

Whereas it is expedient to make certain alterations in and additions to the said lists:

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that the lists of contraband contained in the schedules to our royal proclamation of the twenty-ninth day of October aforementioned are hereby withdrawn, and that in lieu thereof during the continuance of the war or until we do give further public notice the articles enumerated in Schedule I hereto will be treated as absolute contraband, and the articles enumerated in Schedule II hereto will be treated as conditional contraband.

SCHEDULE I

1. Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
2. Projectiles, charges, and cartridges of all kinds and their distinctive component parts.
3. Powder and explosives specially prepared for use in war.
4. Ingredients of explosives, viz., nitric acid, sulphuric acid, glycerine, acetone, calcium acetate and all other metallic acetates, sulphur, potassium nitrate, the fractions of the distillation products of coal tar between benzol and cresol, inclusive, aniline, methylaniline, dimethylaniline, ammonium perchlorate, sodium perchlorate, sodium chlorate, barium chlorate, ammonium nitrate, cyanamide, potassium chlorate, calcium nitrate, mercury.
5. Resinous products, camphor, and turpentine (oil and spirit).
6. Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
7. Range-finders and their distinctive component parts.
8. Clothing and equipment of a distinctively military character.
9. Saddle, draught, and pack animals suitable for use in war.
10. All kinds of harness of a distinctively military character.
11. Articles of camp equipment and their distinctive component parts.
12. Armour plates.
13. Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-vanadium, ferro-chrome.
14. The following metals: Tungsten, molybdenum, vanadium, nickel, selenium, cobalt, hæmatite pig-iron, manganese.
15. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, zinc ore, lead ore, bauxite.
16. Aluminium, alumina, and salts of aluminium.
17. Antimony, together with the sulphides and oxides of antimony.

18. Copper, unwrought and part wrought, and copper wire.
19. Lead, pig, sheet, or pipe.
20. Barbed wire, and implements for fixing and cutting the same.
21. Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.
22. Submarine sound signaling apparatus.
23. Aeroplanes, airships, balloons, and aircraft of all kinds, and their component parts, together with accessories and articles recognizable as intended for use in connection with balloons and aircraft.
24. Motor vehicles of all kinds and their component parts.
25. Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.
26. Rubber (including raw, waste, and reclaimed rubber) and goods made wholly of rubber.
27. Iron pyrites.
28. Mineral oils and motor spirit, except lubricating oils.
29. Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land and sea.

SCHEDULE II

1. Foodstuffs.
2. Forage and feeding stuffs for animals.
3. Clothing, fabrics for clothing, and boots and shoes suitable for use in war.
4. Gold and silver in coin or bullion; paper money.
5. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
6. Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
7. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
8. Fuel, other than mineral oils. Lubricants.
9. Powder and explosives not specially prepared for use in war.
10. Horseshoes and shoeing materials.
11. Harness and saddlery.
12. Hides of all kinds, dry or wet; pigskins, raw or dressed; leather, undressed or dressed, suitable for saddlery, harness, or military boots.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

Given at our court at Buckingham Palace, this Twenty-third day of December, in the year of our Lord one thousand nine hundred and fourteen, etc., etc.

Consul General Skinner to the Secretary of State

[Telegram.]

AMERICAN CONSULATE GENERAL,
London, January 16, 1915.

Official announcement made by British Government that France adopts lists of absolute and conditional contraband identical with latest British list.

SKINNER.

Ambassador W. H. Page to the Secretary of State
[Telegram.]

AMERICAN EMBASSY,
London, January 22, 1915.

British Government now informs me that the heading "Copper unwrought" was intended to include all copper in such form as to render it usable for manufacturing purposes. This description being vague, the former heading will be changed in new lists to read "Copper unwrought and part wrought and copper wire." This is intended to include copper sheets, circles, slabs, bars, pipes, ingots, scrap, rods, plates, solid drawn, tubes, etc., and all grades of copper wire. The word copper is deemed to include alloys in which copper is the main ingredient.

PAGE.

Consul General Skinner to the Secretary of State

[Telegram.]

AMERICAN CONSULATE GENERAL,
London, March 9, 1915.

British Government announces that: "All cotton for which contracts of sale and freight engagements had already been made before March 2, to be allowed free or bought at contract price if stopped provided the ship sails not later than March 31; similar treatment to be accorded to all cotton insured before March 2, provided the cotton is put on board not later than March 16. All shipments of cotton claiming the above protection to be declared before sailing and documents produced to and certificates obtained from consular officers or other authority fixed by the Government."

SKINNER.

The British Ambassador to the Secretary of State

BRITISH EMBASSY,
Washington, March 10, 1915.

The British Ambassador presents his compliments to the Secretary of State, and has the honor to transmit herewith twenty copies of a list enumerating certain oils and substances included under the heading "Lubricants" in the British list of articles to be treated as conditional contraband.

CECIL SPRING RICE.

[Inclosure.]

**OILS AND SUBSTANCES INCLUDED UNDER THE HEADING LUBRICANTS IN THE
BRITISH LIST OF ARTICLES TO BE TREATED AS CONDITIONAL CONTRABAND**

I. Principal oils used as lubricants:

Tallow oil.

Lard oil.

Neat's-foot oil (including sheep's foot oil, horse's foot oil, and fatty bone oil).

Olive oil.

Rape oil (including Colza oil, Ravisson oil, or Black Sea rape oil, and Jamba oil).

Castor oil.

Particularly for fine mechanisms—

Hazelnut oil.

Ben oil.
Porpoise oil (including body oil and jaw oil).
Dolphin oil or blackfish oil (including body oil and jaw oil).
Sperm oil.
Arctic sperm oil.

Whale oil.

Rosin oil.

II. Solid lubricants:

1. Graphite (including natural graphite, artificial graphite, Atcheson's graphite, colloidal graphite, deflocculated graphite, "Oil-dag," "Aquadag," or "Waterdag").
 2. Mineral jellies.
 3. Tallow (including mutton-tallow, beef-tallow and goat-and-buck-tallow).
 4. All unctuous bodies which do not flow (or flow extremely slowly) at ordinary temperatures containing:
 - a. Tallow mixed with any other oil, fat, or mineral jelly.
 - b. Any oil, fat, or mineral jelly containing aluminum soap, lead soap, lime soap, or rosin soap.
 - c. Commercial forms of lead soap, lime soap, and aluminum soap.
 - d. Any oil, fat, or mineral jelly containing water and an alkali, or containing potash or soda soap (but not including "superfatted soaps" of various kinds).
 5. Rosin greases or rosin soaps.
- Aluminum soap in oleaginous solution is also known as "oil-pulp," "thickener," "gelatin," and "viscom."

Ambassador W. H. Page to the Secretary of State

No. 1061.]

AMERICAN EMBASSY,
London, March 16, 1915.

SIR: In accordance with the instructions of the department, and confirming my cablegram No. 1780 of the 13th instant, I have the honor to transmit herewith copies, in duplicate, of a proclamation adding to the list of articles to be treated as contraband of war, dated March 11, 1915.

I have, etc.,

WALTER HINES PAGE.

PROCLAMATION

March 11, 1915.

Adding to the List of Articles to be Treated as Contraband of War

GEORGE R. I.

Whereas on the twenty-third day of December, 1914, we did issue our royal proclamation specifying the articles which it was our intention to treat as contraband during the continuance of hostilities or until we did give further public notice, and

Whereas it is expedient to make certain additions to the lists contained in the said proclamation:

Now, therefore, we do hereby declare, by and with the advice of our privy council, that during the continuance of the war or until we do give further public notice the following articles will be treated as absolute contraband in addition to those set out in our royal proclamation aforementioned:

Raw wool, wool tops and noils and woolen and worsted yarns.

Tin, chloride of tin, tin ore.

Castor oil.

Paraffin wax.

Copper iodide.

Lubricants.

Hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.

Ammonia and its salts whether simple or compound; ammonia liquor, urea, aniline, and their compounds.

And we do hereby declare that the following articles will be treated as conditional contraband in addition to those set out in our royal proclamation aforementioned:

Tanning substances of all kinds (including extracts for use in tanning).

And we do hereby further declare that the terms "foodstuffs" and "feeding stuffs for animals" in the list of conditional contraband contained in our royal proclamation aforementioned shall be deemed to include oleaginous seeds, nuts and kernels; animal and vegetable oils and fats (other than linseed oil) suitable for use in the manufacture of margarine; and cakes and meals made from oleaginous seeds, nuts and kernels.

Given at our court at Buckingham Palace, this eleventh day of March, in the year of our Lord one thousand nine hundred and fifteen, etc., etc.

The British Ambassador to the Secretary of State

BRITISH EMBASSY,

Washington, March 23, 1915.

MY DEAR MR. SECRETARY: I beg to acknowledge the receipt of your informal letter of March 20th in which you are good enough to submit certain observations on the British contraband list.

I have not in my possession any further information than that which I have communicated to you, but I expect before long to receive a uniform printed list as revised up to date and I shall take pleasure in sending you a copy so soon as it arrives.

In the list sent to you on March 10 which reached me by post the term "castor oil" was mentioned under the heading of "Principal oils used as lubricants," which were at that time treated as conditional contraband. According to the telegram, of which a copy was sent to you on March 13, "lubricants" were transferred to the list of absolute contraband and castor oil was mentioned separately. Apart from this and in the absence of information to the contrary I understand that the memorandum interpreting the term "lubricants" formerly listed as conditional contraband is to be considered as still interpreting this term as listed under absolute contraband.

The materials enumerated in Articles 11 and 12 of the conditional contraband list appear, as you suggest, to have been transferred to the absolute list, but I am unable at the present moment to state definitely that this is so.

I am taking steps to obtain a clear ruling on these points.

I am, etc.,

CECIL SPRING RICE.

The British Ambassador to the Secretary of State

BRITISH EMBASSY,

Washington, April 10, 1915.

MY DEAR MR. SECRETARY: With further reference to your letter of the 20th of March I am informed that the interpretation of lubricants now absolute contraband is as follows:

Mineral. Including mineral oils, jellies or greases of all kinds, pure or compounded; graphite, natural or artificial;

Vegetable. Including vegetable lubricating oils and fats of all kinds, and resin greases, and their mixtures;

Animal. Including all animal oils and fats for use as lubricants, and their mixtures;

Fish. Including whale oil (train, blubber, sperm), seal or shark oil, and fish oil generally;

Mixtures or compounds of any of the foregoing.

It will be observed that the above definition covers all the articles mentioned in the earlier list of lubricants sent to your Department on March 10 and that it is even more comprehensive inasmuch as it includes mixtures and compounds of these articles.

The whole of the "hides" heading (Article 12) in the conditional list of December 23, 1914, may be regarded as transferred to the list of absolute contraband. Harness and saddlery (Article 11) remain conditional contraband unless it falls within Article 10 of the absolute list of December 23.

I am, etc.,

CECIL SPRING RICE.

III.

CORRESPONDENCE RELATING TO RESTRAINTS ON COMMERCE.

The Secretary of State to Ambassador W. H. Page

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 26, 1914.

The present condition of American foreign trade resulting from the frequent seizures and detentions of American cargoes destined to neutral European ports has become so serious as to require a candid statement of the views of this Government in order that the British Government may be fully informed as to the attitude of the United States toward the policy which has been pursued by the British authorities during the present war.

You will, therefore, communicate the following to His Majesty's principal secretary of state for foreign affairs, but in doing so you will assure him that it is done in the most friendly spirit and in the belief that frankness will better serve the continuance of cordial relations between the two countries than silence, which may be misconstrued into acquiescence in a course of conduct which this Government can not but consider to be an infringement upon the rights of American citizens.

The Government of the United States has viewed with growing concern the large number of vessels laden with American goods destined to neutral ports in Europe, which have been seized on the high seas, taken into British ports and detained sometimes for weeks by the British authorities. During the early days of the war this Government assumed that the policy adopted by the British Government was due to the unexpected outbreak of hostilities and the necessity of immediate action to prevent contraband from reaching the enemy. For this reason it was not disposed to judge this policy harshly or protest it vigorously, although it was manifestly very injurious to American trade with the neutral countries of Europe. This Government, relying confidently upon the high regard which Great Britain has so often exhibited in the past for the rights of other nations, confidently awaited amendment of a course of action which denied to neutral commerce the freedom to which it was entitled by the law of nations.

This expectation seemed to be rendered the more assured by the statement of the foreign office early in November that the British Government were satisfied with guarantees offered by the Norwegian, Swedish, and Danish Governments as to nonexportation of contraband goods when consigned to named persons in the territories of those Governments, and that orders had been given to the British fleet and customs authorities to restrict interference with neutral vessels carrying such cargoes so consigned to verification of ship's papers and cargoes.

It is therefore a matter of deep regret that, though nearly five months have passed since the war began, the British Government have not materially changed their policy and do not treat less rigorously ships and cargoes passing between neutral ports in the peaceful pursuit of lawful commerce, which belligerents should protect rather than interrupt. The greater freedom from detention and seizure which was confidently expected to result from consigning shipments to definite consignees, rather than "to order," is still awaited.

It is needless to point out to His Majesty's Government, usually the champion of the freedom of the seas and the rights of trade, that peace, not war, is the normal relation between nations and that the commerce between countries which are not belligerents should not be interfered with by those at war unless such interference is manifestly an imperative necessity to protect their national safety, and then only to the extent that it is a necessity. It is with no lack of appreciation of the momentous nature of the present struggle in which Great Britain is engaged and with no selfish desire to gain undue commercial advantage that this Government is reluctantly forced to the conclusion that the present policy of His Majesty's Government toward neutral ships and cargoes exceeds the manifest necessity of a belligerent and constitutes restrictions upon the rights of American citizens on the high seas which are not justified by the rules of international law or required under the principle of self-preservation.

The Government of the United States does not intend at this time to discuss the propriety of including certain articles in the lists of absolute and conditional contraband, which have been proclaimed by His Majesty. Open to objection as some of these seem to this Government, the chief ground of present complaint is the treatment of cargoes of both classes of articles when bound to neutral ports.

Articles listed as absolute contraband, shipped from the United States and consigned to neutral countries, have been seized and detained on the ground that the countries to which they were destined have not prohibited the exportation of such articles. Unwarranted as such detentions are, in the opinion of this Government, American exporters are further perplexed by the apparent indecision of the British authorities in applying their own rules to neutral cargoes. For example, a shipment of copper from this country to a specified consignee in Sweden was detained because, as was stated by Great Britain, Sweden had placed no embargo on copper. On the other hand, Italy not only prohibited the export of copper, but, as this Government is informed, put in force a decree that shipments to Italian consignees or "to order," which arrive in ports of Italy can not be exported or transshipped. The only exception Italy makes is of copper which passes through that country in transit to another country. In spite of these decrees, however, the British Foreign Office has thus far declined to affirm that copper shipments consigned to Italy will not be molested on the high seas. Seizures are so numerous and delays so prolonged that exporters are afraid to send their copper to Italy, steamship lines decline to accept it, and insurers refuse to issue policies upon it. In a word, a legitimate trade is being greatly impaired through uncertainty as to the treatment which it may expect at the hands of the British authorities.

We feel that we are abundantly justified in asking for information as to the manner in which the British Government propose to carry out the policy which they have adopted, in order that we may determine the steps necessary to protect our citizens, engaged in foreign trade, in their rights and from the serious losses to which they are liable through ignorance of the hazards to which their cargoes are exposed.

In the case of conditional contraband the policy of Great Britain appears to this Government to be equally unjustified by the established rules of international conduct. As evidence of this, attention is directed to the fact that a number of the American cargoes which have been seized consist of foodstuffs and other articles of common use in all countries which are admittedly relative contraband. In spite of the presumption of innocent use because destined to neutral territory, the British authorities made these seizures and detentions without, so far as we are informed, being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, as that term is used in international law. Mere suspicion is not evidence and doubts should be resolved in favor of neutral commerce, not against it. The effect upon trade in these articles between neutral nations resulting from interrupted voyages and detained cargoes is not entirely cured by reimbursements of the owners for the damages, which they have suffered, after investigation has failed to establish an enemy destination. The injury is to American commerce with neutral countries as a whole through the hazard of the enterprise and the repeated diversion of goods from established markets.

It also appears that cargoes of this character have been seized by the British authorities because of a belief that, though not originally so intended by the shippers, they will ultimately reach the territory of the enemies of Great Britain. Yet this belief is frequently reduced to a mere fear in view of the embargoes which have been decreed by the neutral countries, to which they are destined, on the articles composing the cargoes.

That a consignment "to order" of articles listed as conditional contraband and shipped to a neutral port raises a legal presumption of enemy destination appears to be directly contrary to the doctrines previously held by Great Britain and thus stated by Lord Salisbury during the South African War:

"Foodstuffs, though having a hostile destination, can be considered as contraband of war only if they are for the enemy's forces; it is not sufficient that they are capable of being so used, it must be shown that this was in fact their destination at the time of their seizure."

With this statement as to conditional contraband the views of this Government are in entire accord, and upon this historic doctrine, consistently maintained by Great Britain when a belligerent as well as a neutral, American shippers were entitled to rely.

The Government of the United States readily admits the full right of a belligerent to visit and search on the high seas the vessels of American citizens or other neutral vessels carrying American goods and to detain them *when there is sufficient evidence to justify a belief that contraband articles are in their cargoes*; but His Majesty's Government, judging by their own experience in the past, must realize that this Government can not without protest permit American ships or American cargoes to be taken into British ports and there detained for the purpose of searching generally for evidence of contraband, or upon presumptions created by special municipal enactments which are clearly at variance with international law and practice.

This Government believes, and earnestly hopes His Majesty's Government will come to the same belief, that a course of conduct more in conformity with the rules of international usage, which Great Britain has

strongly sanctioned for many years, will in the end better serve the interests of belligerents as well as those of neutrals.

Not only is the situation a critical one to the commercial interests of the United States, but many of the great industries of this country are suffering because their products are denied long-established markets in European countries, which, though neutral, are contiguous to the nations at war. Producers and exporters, steamship and insurance companies are pressing, and not without reason, for relief from the menace to trans-Atlantic trade which is gradually but surely destroying their business and threatening them with financial disaster.

The Government of the United States, still relying upon the deep sense of justice of the British nation, which has been so often manifested in the intercourse between the two countries during so many years of uninterrupted friendship, expresses confidently the hope that his Majesty's Government will realize the obstacles and difficulties which their present policy has placed in the way of commerce between the United States and the neutral countries of Europe, and will instruct its officials to refrain from all unnecessary interference with the freedom of trade between nations which are sufferers, though not participants, in the present conflict; and will in their treatment of neutral ships and cargoes conform more closely to those rules governing the maritime relations between belligerents and neutrals, which have received the sanction of the civilized world, and which Great Britain has, in other wars, so strongly and successfully advocated.

In conclusion, it should be impressed upon His Majesty's Government that the present condition of American trade with the neutral European countries is such that, if it does not improve, it may arouse a feeling contrary to that which has so long existed between the American and British peoples. Already it is becoming more and more the subject of public criticism and complaint. There is an increasing belief, doubtless not entirely unjustified, that the present British policy toward American trade is responsible for the depression in certain industries which depend upon European markets. The attention of the British Government is called to this possible result of their present policy to show how widespread the effect is upon the industrial life of the United States and to emphasize the importance of removing the cause of complaint.

BRYAN.

**The British Secretary of State for Foreign Affairs to
Ambassador W. H. Page**

FOREIGN OFFICE,

January 7, 1915.

YOUR EXCELLENCY: I have the honor to acknowledge receipt of your note of the 28th of December.

It is being carefully examined and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to Your Excellency, dealing in detail with the issues raised and the points to which the United States Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time and I therefore desire to send without further delay some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognize the most friendly spirit referred to by Your Excellency, and that we desire to reply in the same spirit and in the belief that, as Your Excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States that a belligerent, in dealing with

trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavor to keep our action within the limits of this principle on the understanding that it admits our right to interfere when such interference is, not with "bona fide" trade between the United States and another neutral country, but with trade in contraband destined for the enemy's country, and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have, in practice, interfered with trade. Your Excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action of His Majesty's Government, the products of the great industries of the United States have been denied long established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York, for the month of November, 1914, and they are as follows, compared with the month of November, 1913:

Exports from New York for November, 1913 [and] November, 1914, respectively.

Denmark.....	\$558,000	\$7,101,000
Sweden.....	377,000	2,858,000
Norway.....	477,000	2,318,000
Italy.....	2,971,000	4,781,000
Holland.....	4,389,000	3,960,000

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics; the figures above are not put forward as conclusive; and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries, which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with the neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious; but it is submitted that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your Excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:

Nineteen thirteen: Fifteen million two hundred two thousand pounds. Nineteen fourteen: Thirty-six million two hundred eighty-five thousand pounds. Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns but are included in the heading "Other Europe" (that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland and Italy). The corresponding figures under this heading are as follows:

Nineteen thirteen: Seven million two hundred seventy-one thousand pounds. Nineteen fourteen: Thirty-five million three hundred forty-seven thousand pounds.

With such figures the presumption is very strong that the bulk of copper consigned to these countries has recently been intended, not for their own use, but for that of a belligerent who can not import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of this import of copper as is not genuinely destined for neutral countries.

Your Excellency does not quote any particular shipment of copper to Sweden, which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminium which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I can not believe that, with such figures before them and in such cases as those just mentioned, the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a prize court, and we are convinced that it can not be in accord with the wish either of the Government or of the people of the United States to strain the international code in favor of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which Your Excellency refers, His Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a prize court without presumption that they are intended for the armed forces of the enemy or the enemy government. We believe that this rule has been adhered to in practice hitherto, but if the United States Government have instances to the contrary, we are prepared to examine them, and it is our present intention to adhere to the rule, though we can not give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilization and humanity and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th of August last to the 3d of January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been seven hundred and seventy-three. Of these there are forty-five which have had consignments or cargoes placed in the prize court while of the ships themselves only eight have been placed in the prize court and one of these has since been released. It is, however, essential under modern conditions that where there is real ground for suspecting the presence of contraband, the vessels should be brought into port for examination: in no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance, connected with cotton, which has not yet occurred. Cotton is not specifically mentioned in Your Excellency's note, but I have seen

public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband; they have throughout the war kept it on the free list; and, on every occasion when questioned on the point, they have stated their intention of adhering to this practice. But information has reached us that precisely because we have declared our intention of not interfering with cotton, ships carrying cotton will be specially selected to carry concealed contraband; and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained, we have not so far made these a ground for detaining any ship carrying cotton, but, should we have information giving us real reason to believe in the case of a particular ship that the bales of cotton concealed copper or other contraband, the only way to prove our case would be to examine and weigh the bales; a process that could be carried out only by bringing the vessel into a port. In such a case, or if examination justified the action of His Majesty's Government, the case shall be brought before a prize court and dealt with in the ordinary way.

That the decisions of British prize courts hitherto have not been unfavorable to neutrals is evidenced by the decision in the *Miramichi* case. This case, which was decided against the Crown, laid down that the American shipper was to be paid even when he had sold a cargo c. i. f. and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in Your Excellency's note, that our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty's Government to permit the export of rubber from British Dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to permit the export of rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a prize court cargoes of rubber exported from the United States which they believe to be destined for an enemy country, and reasonable latitude of action for this purpose were conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licenses being given under proper guaranties for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become on a scale hitherto unprecedented a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how strong this tendency is, but we have no complaint to make of the attitude of the Governments of those countries, which so far as we are aware have not departed from proper rules of neutrality. We endeavor in the interest of our own national safety to prevent this danger by intercepting goods really destined for the enemy without interfering with those which are "bona fide" neutral.

Since the outbreak of the war the Government of the United States have changed their previous practice and have prohibited the publication of manifests till 30 days after the departure of vessels from the United States ports. We have no "locus standi" for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband and to render necessary in the

interests of our national safety the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of law, on which they understand the note of the United States to be based, and desire to restrict their action solely to interferences with contraband destined for the enemy. His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous in the interest both of the United States and of other neutral countries that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

I have, etc,

E. GREY.

**The British Secretary of State for Foreign Affairs to
Ambassador W. H. Page**

FOREIGN OFFICE,
February 10, 1915.

YOUR EXCELLENCY: Your Excellency has already received the preliminary answer, which I handed to you on the 7th January, in reply to your note of the 28th December on the subject of the seizures and detentions of American cargoes destined for neutral European ports.

Since that date I have had further opportunity of examining into the trade statistics of the United States as embodied in the customs returns, in order to see whether the belligerent action of Great Britain has been in any way the cause of the trade depression which Your Excellency describes as existing in the United States, and also whether the seizures of vessels or cargoes which have been made by the British Navy have inflicted any loss on American owners for which our existing machinery provides no means of redress. In setting out the results of my investigation I think it well to take the opportunity of giving a general review of the methods employed by His Majesty's Government to intercept contraband trade with the enemy, of their consistency with the admitted right of a belligerent to intercept such trade, and also of the extent to which they have endeavored to meet the representations and complaints from time to time addressed to them on behalf of the United States Government.

Toward the close of your note of the 28th December Your Excellency describes the situation produced by the action of Great Britain as a pitiful one to the commercial interests of the United States, and said that many of the great industries of the country were suffering because their products were denied long-established markets in neutral European countries contiguous to the nations at war.

It is unfortunately true that in these days, when trade and finance are cosmopolitan, any war—particularly a war of any magnitude—must result in a grievous dislocation of commerce, including that of the nations which take no part in the war. Your Excellency will realize that in this tremendous struggle for the outbreak of which Great Britain is in no way responsible, it is impossible for the trade of any country to escape all injury and loss, but for such His Majesty's Government are not to blame.

I do not understand the paragraph which I have quoted from Your Excellency's note as referring to these indirect consequences of the state of war, but to the more proximate and direct effect of our belligerent action in dealing with neutral ships and cargoes on the high seas. Such action has been limited to vessels on their way to enemy ports or ports in neutral

countries adjacent to the theater of war, because it is only through such ports that the enemy introduces the supplies which he requires for carrying on the war.

In my earlier note I set out the number of ships which had sailed from the United States for Holland, Denmark, Norway, Sweden, and Italy, and I there stated that only 8 of the 773 had been placed in the prize court, and that only 45 had been temporarily detained to enable particular consignments of cargo to be discharged for the purpose of prize-court proceedings. To measure the effect of such naval action it is necessary to take into consideration the general statistics of the export trade of the United States during the months preceding the outbreak of war and those since the outbreak.

Taking the figures in millions of dollars, the exports of merchandise from the United States for the seven months of January to July, 1914, inclusive, were 1,201, as compared with 1,327 in the corresponding months of 1913, a drop of 126 millions of dollars.

For the months of August, September, October, and November, that is to say, for the four months of the war preceding the delivery of your Excellency's note, the figures of the exports of merchandise were (again in millions of dollars) 667 as compared with 923 in the corresponding months of 1913, a drop of 256 millions of dollars.

If, however, the single article of cotton be eliminated from the comparison, the figures show a very different result. Thus the exports of all articles of merchandise other than cotton from the United States during the first seven months of 1914 were 966 millions of dollars, as against 1,127 millions in 1913, a drop of 161 millions of dollars, or 14½ per cent. On the other hand, the exports of the same articles during the months August to November amounted to 608 millions of dollars as compared with 630 millions in 1913, a drop of only 22 millions, or less than 4 per cent.

It is therefore clear that, if cotton be excluded, the effect of the war has been not to increase but practically to arrest the decline of American export which was in progress earlier in the year. In fact, any decrease in American exports which is attributable to the war is essentially due to cotton. Cotton is an article which can not possibly have been affected by the exercise of our belligerent rights, for, as Your Excellency is aware, it has not been declared by His Majesty's Government to be contraband of war, and the rules under which we are at present conducting our belligerent operations give us no power in the absence of a blockade to seize or interfere with it when on its way to a belligerent country in neutral ships. Consequently no cotton has been touched.

Into the causes of the decrease in the exports of cotton I do not feel that there is any need for me to enter, because, whatever may have been the cause, it is not to be found in the exercise of the belligerent rights of visit, search, and capture, or in our general right when at war to intercept the contraband trade of our enemy. Imports of cotton to the United Kingdom fell as heavily as those to other countries. No place felt the outbreak of war more acutely than the cotton districts of Lancashire, where for a time an immense number of spindles were idle. Though this condition has now to a large extent passed away, the consumption of the raw material in Great Britain was temporarily much diminished. The same is no doubt true of France.

The general result is to show convincingly that the naval operations of Great Britain are not the cause of any diminution in the volume of American exports, and that if the commerce of the United States is in the unfavourable condition which your Excellency describes, the cause ought in fairness to be sought elsewhere than in the activities of His Majesty's naval forces.

I may add that the circular issued by the Department of Commerce at Washington on the 23rd January admits a marked improvement in ¹

foreign trade of the United States, which we have noted with great satisfaction. The first paragraph of the circular is worth quoting verbatim:

"A marked improvement in our foreign trade is indicated by the latest reports issued by the Department of Commerce through its Bureau of Foreign and Domestic Commerce, sales of foodstuffs and certain lines of manufactures having been unusually large in November, the latest period for which detailed information is at hand. In that month exports aggregated 206,000,000 dollars, or double the total for August last, when, by reason of the outbreak of war, our foreign trade fell to the lowest level reached in many years. In December there was further improvement, the month's exports being valued at 246,000,000 dollars, compared with 233,000,000 in December, 1913, and within 4,000,000 of the high record established in December, 1912."

A better view of the situation is obtained by looking at the figures month by month. The exports of merchandise for the last five months have been (in millions of dollars):

August.....	110
September.....	156
October.....	194
November.....	205
December.....	246

The outbreak of war produced in the United States, as it did in all neutral countries, an acute but temporary disturbance of trade. Since that time there seems to have been a steady recovery, for to-day the exports from the United States stand at a higher figure than on the same date last year.

Before passing away from the statistics of trade, and in order to demonstrate still more clearly if necessary that the naval operations of Great Britain and her allies have had no detrimental effect on the volume of trade between the United States and neutral countries, it is worth while to analyse the figures of the exports to Europe since the outbreak of hostilities. For this purpose the European countries ought to be grouped under three heads: Great Britain and those fighting with her, neutral countries, and enemy countries. It is, however, impossible for me to group the countries in this way satisfactorily, as the figures relating to the export trade of the United States with each country have not yet been published. In the preliminary statement of the export trade of the United States with foreign countries only principal countries are shown, and various countries which are tabulated separately in the more detailed monthly summary of commerce and finance are omitted. Those omitted include not only the Scandinavian countries, the exports to which are of peculiar importance in dealing with this question, but also Austria.

So far as it is possible to distribute the figures under the headings which I have indicated above (all the figures being given in thousands of dollars) the results are as follows:

Total exports to Europe from the 1st August to the 30th November, 413,995, as against 597,342 in 1913. Of these, Great Britain and her allies took 288,312, as against 316,805 in 1913. Germany and Belgium took 1,881 as against 177,136 in 1913; whereas neutral countries (among which Austria Hungary is unavoidably included) took 123,802, as against 103,401 in 1913.

The general complaint in Your Excellency's note was that the action of Great Britain was affecting adversely the trade of the United States with neutral countries. The naval operations of Great Britain certainly do not interfere with commerce from the United States on its way to the United Kingdom and the allied countries, and yet the exports to Great Britain and her allies during those four months diminished to the extent of over 28,000,-

ooo dollars, whereas those to neutral countries and Austria increased by over 20,000,000 dollars.

The inference may fairly be drawn from these figures, all of which are taken from the official returns published by the United States Government, that not only has the trade of the United States with the neutral countries in Europe been maintained as compared with previous years, but also that a substantial part of this trade was, in fact, trade intended for the enemy countries going through neutral ports by routes to which it was previously unaccustomed.

One of the many inconveniences to which this great war is exposing the commerce of all neutral countries is undoubtedly the serious shortage in shipping available for ocean transport, and the consequential result of excessive freights.

It cannot fairly be said that this shortage is caused by Great Britain's interference with neutral ships. At the present time there are only seven neutral vessels awaiting adjudication in the prize courts in this country, and three in those in the British dominions. As Your Excellency is aware, I have already instructed our ambassador at Washington to remind the parties who are interested in these vessels that it is open to them to apply to the court for the release of these ships on bail, and if an application of this sort is made by them it is not likely to be opposed by the Crown. There is therefore no reason why such an application should not be favourably entertained by the court, and, if acceded to, all these vessels will again be available for the carriage of commerce. Only one neutral vessel is now detained in this country in addition to those awaiting adjudication in the prize court.

Every effort has been made in cases in which it has been found necessary to institute proceedings against portions of the cargo to secure the speedy discharge of the cargo and the release of the ship, so as to enable it to resume work. Great Britain is suffering from the shortage of shipping and the rise in freights as acutely as, if not more than, other nations and His Majesty's Government have taken every step that they could consistently with their belligerent interests to increase the tonnage available for the transport of sea-borne commerce. The enemy ships which have been condemned in the prize courts in this country are being sold as rapidly as possible in order that they may become available for use; and those which have been condemned in the prize courts overseas are being brought to this country in order that they may be disposed of here, and again placed in active employment.

The difficulties have been accentuated by the unforeseen consequences of the convention which was signed at The Hague in 1907 relative to the status of enemy merchant vessels at the outbreak of war. This convention was a well-intentioned effort to diminish the losses which war must impose upon innocent persons, and provided that enemy merchant ships seized by a belligerent in whose ports they lay at the outbreak of war should not be condemned, but should merely be detained for the period of the war, unless they were liberated in the days of grace. We could come to no arrangement with the German Government for the reciprocal grant of days of grace, and the German merchant vessels lying in British ports when the war broke out have therefore been sentenced to detention in lieu of condemnation. The normal result would have been still further to reduce the volume of shipping available for the commerce of the world. To ease the situation, however, His Majesty's Government are resorting to the power of requisitioning which is given by the convention, so that these ships may again be placed in active service.

Your Excellency will see therefore that His Majesty's Government are doing all in their power to increase the volume of shipping available. I hope it will be realized that the detention of neutral ships by His Majesty's Gov-

ernment with a view to the capture of contraband trade on its way to the enemy has not contributed nearly so much to the shortage of shipping as has the destruction of neutral vessels by submarine mines indiscriminately laid by the enemy on the high seas, many miles from the coast, in the track of merchant vessels. Up till now 25 neutral vessels have been reported as destroyed by mines on the high seas; quite apart from all questions of the breach of treaties and the destruction of life, there is far more reason for protest on the score of belligerent interference with innocent neutral trade through the mines scattered by the enemy than through the British exercise of the right of seizing contraband.

I trust that what I have said above will be sufficient to convince your Excellency's Government that the complaints that the naval policy of Great Britain has interfered with the shipments of American products to long-established markets in neutral European countries is founded on a misconception.

In justice to the peoples of both countries, I feel that this opportunity should be taken to explain the lines on which His Majesty's Government have been acting hitherto, so as to show that the line they have followed is in no way inconsistent with the general fundamental principle of international law and to indicate the care with which they have endeavored to meet the representations which have been made by the United States Government from time to time during the war on these questions.

No one in these days will dispute the general proposition that a belligerent is entitled to capture contraband goods on their way to the enemy; that right has now become consecrated by long usage and general acquiescence. Though the right is ancient, the means of exercising it alter and develop with the changes in the methods and machinery of commerce. A century ago the difficulties of land transport rendered it impracticable for the belligerent to obtain supplies of sea-borne goods through a neighboring neutral country. Consequently the belligerent actions of his opponents neither required nor justified any interference with shipments on their way to a neutral port. This principle was recognized and acted on in the decisions in which Lord Stowell laid down the lines on which captures of such goods should be dealt with.

The advent of steam power has rendered it as easy for a belligerent to supply himself through the ports of a neutral contiguous country as through his own and has therefore rendered it impossible for his opponent to refrain from interfering with commerce intended for the enemy merely because it is on its way to a neutral port.

No better instance of the necessity of countering new devices for despatching contraband goods to an enemy by new methods of applying the fundamental principle of the right to capture such contraband can be given than the steps which the Government of the United States found it necessary to take during the American Civil War. It was at that time that the doctrine of continuous voyage was first applied to the capture of contraband, that is to say, it was then for the first time that a belligerent found himself obliged to capture contraband goods on their way to the enemy, even though at the time of capture they were en route for a neutral port from which they were intended subsequently to continue their journey. The policy then followed by the United States Government was not inconsistent with the general principles already sanctioned by international law, and met with no protest from His Majesty's Government, though it was upon British cargoes and upon British ships that the losses and the inconvenience due to this new development of the application of the old rule of international law principally fell. The criticisms which have been directed against the steps then taken by the United States came, and come, from those who saw in the methods employed in Napoleonic times for the prevention of contraband a limitation upon the right itself, and failed

to see that in Napoleonic times goods on their way to a neutral port were immune from capture, not because the immediate destination conferred a privilege, but because capture under such circumstances was unnecessary.

The facilities which the introduction of steamers and railways have given to a belligerent to introduce contraband goods through neutral ports have imposed upon his opponent the additional difficulty, when endeavouring to intercept such trade, of distinguishing between the goods which are really destined for the commerce of that neutral country and the goods which are on their way to the enemy. It is one of the many difficulties with which the United States Government found themselves confronted in the days of the Civil War, and I cannot do better than quote the words which Mr. Seward, who was then Secretary of State, used in the course of the diplomatic discussion arising out of the capture of some goods on their way to Matamoros which were believed to be for the insurgents:

"Neutrals engaged in honest trade with Matamoros must expect to experience inconvenience from the existing blockade of Brownsville and the adjacent coast of Texas. While this Government unfeignedly regrets this inconvenience, it cannot relinquish any of its belligerent rights to favour contraband trade with insurgent territory. By insisting upon those rights, however, it is sure that that necessity for their exercise at all, which must be deplored by every friendly commercial Power, will the more speedily be terminated."

The opportunities now enjoyed by a belligerent for obtaining supplies through neutral ports are far greater than they were fifty years ago, and the geographical conditions of the present struggle lend additional assistance to the enemy in carrying out such importation. We are faced with the problem of intercepting such supplies when arranged with all the advantages that flow from elaborate organisation and unstinted expenditure. If our belligerent rights are to be maintained, it is of the first importance for us to distinguish between what is really bona fide trade intended for the neutral country concerned and the trade intended for the enemy country. Every effort is made by organizers of this trade to conceal the true destination, and if the innocent neutral trade is to be distinguished from the enemy trade it is essential that His Majesty's Government should be entitled to make, and should make, careful enquiry with regard to the destination of particular shipments of goods even at the risk of some slight delay to the parties interested. If such enquiries were not made, either the exercise of our belligerent rights would have to be abandoned, tending to the prolongation of this war and the increase of the loss and suffering which it is entailing upon the whole world, or else it would be necessary to indulge in indiscriminate captures of neutral goods and their detention throughout all the period of the resulting prize court proceedings. Under the system now adopted it has been found possible to release without delay, and consequently without appreciable loss to the parties interested, all the goods of which the destination is shown as the result of the enquiries to be innocent.

It may well be that the system of making such enquiries is to a certain extent a new introduction, in that it has been practised to a far greater extent than in previous wars; but if it is correctly described as a new departure, it is a departure which is wholly to the advantage of neutrals, and which has been made for the purpose of relieving them so far as possible from loss and inconvenience.

There was a passage in a note which the State Department addressed to the British ambassador at Washington on the 7th November to which I think it may be well to refer:

"In the opinion of this Government, the belligerent right of visit and search requires that the search should be made on the high seas at the time

of the visit, and that the conclusion of the search should rest upon the evidence found on the ship under investigation, and not upon circumstances ascertained from external sources."

The principle here enunciated appears to me to be inconsistent with the practice in these matters of the United States Government, as well as of the British Government. It certainly was not the rule upon which the United States Government acted either during the Civil War or during the Spanish-American War, nor has it ever been the practice of the British Government, nor so far as I am aware, of any other Government which has had to carry on a great naval war; as a principle I think it is impossible in modern times. The necessity for giving the belligerent captor full liberty to establish by all the evidence at his disposal the enemy destination with which the goods were shipped was recognized in all the leading decisions in the prize courts of the United States during the Civil War.

No clearer instance could be given than the reporter's statement of the case of the *Bermuda* (3 Wallace, 514):

"The final destination of the cargo in this particular voyage was left so skilfully open * * * that it was not quite easy to prove, with that certainty which American courts require, the intention, which it seemed plain must have really existed. Thus to prove it required that truth should be collated from a variety of sources, darkened and disguised; from others opened as the cause advanced, and by accident only; from coincidences undesigned, and facts that were circumstantial. Collocations and comparisons, in short, brought largely their collective force in aid of evidence that was more direct."

It is not impossible that the course of the present struggle will show the necessity for belligerent action to be taken in various ways which may at first sight be regarded as a departure from old practice. In my note of the 7th January, I dealt at some length with the question of the necessity of taking vessels into port for the purpose of carrying out an effective search, where search was necessary; to that subject I feel that I need not again recur.

The growth in the size of steamships necessitates in many cases that the vessels should go into calm water, in order that even the right of visit, as apart from the right of search, should be exercised. In modern times a steamer is capable of pursuing her voyage irrespective of the conditions of the weather. Many of the neutral merchantmen which our naval officers are called upon to visit at sea are encountered by our cruisers in places and under conditions which render the launching of a boat impossible. The conditions during winter in the North Atlantic frequently render it impracticable for days together for a naval officer to board a vessel on her way to Scandinavian countries. If a belligerent is to be denied the right of taking a neutral merchantman, met with under such conditions, into calm water in order that the visiting officer may go aboard, the right of visit and of search would become a nullity.

The present conflict is not the first in which this necessity has arisen. As long ago as the Civil War the United States found it necessary to take vessels to United States ports in order to determine whether the circumstances justified their detention.

The same need arose during the Russo-Japanese War and also during the second Balkan War, when it sometimes happened that British vessels were made to deviate from their course and follow the cruisers to some spot where the right of visit and of search could be more conveniently carried out. In both cases this exercise of belligerent rights, although questioned at first by His Majesty's Government, was ultimately acquiesced in.

No Power in these days can afford during a great war to forego the

exercise of the right of visit and search. Vessels which are apparently harmless merchantmen can be used for carrying and laying mines and even fitted to discharge torpedoes. Supplies for submarines can without difficulty be concealed under other cargo. The only protection against these risks is to visit and search thoroughly every vessel appearing in the zone of operations, and if the circumstances are such as to render it impossible to carry it out at the spot where the vessel was met with the only practicable course is to take the ship to some more convenient locality for the purpose. To do so is not to be looked upon as a new belligerent right, but as an adaptation of the existing right to the modern conditions of commerce. Like all belligerent rights, it must be exercised with due regard for neutral interests, and it would be unreasonable to expect a neutral vessel to make long deviations from her course for this purpose. It is for this reason that we have done all we can to encourage neutral merchantmen on their way to ports contiguous to the enemy country to visit some British port lying on their line of route in order that the necessary examination of the ship's papers, and, if required, of the cargo, can be made under conditions of convenience to the ship herself. The alternative would be to keep a vessel which the naval officers desired to board waiting, it might be for days together, until the weather conditions enabled the visit to be carried out at sea.

No war has yet been waged in which neutral individuals have not occasionally suffered from unjustified belligerent action; no neutral nation has experienced this fact more frequently in the past than Great Britain. The only method by which it is possible to harmonise belligerent action with the rights of neutrals is for the belligerent nation to provide some adequate machinery by which in any such case the facts can be investigated and appropriate redress can be obtained by the neutral individual. In this country such machinery is provided by the powers which are given to the prize court to deal not only with captures, but also with claims for compensation. Order V, rule 2, of the British prize court rules, provides that where a ship has been captured as prize, but has been subsequently released by the captors, or has by loss, destruction, or otherwise ceased to be detained by them, without proceedings for condemnation having been taken, any person interested in the ship (which by Order I, rule 2, includes goods) wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order II. A writ so issued will initiate a proceeding, which will follow its ordinary course in the prize court.

This rule gives the prize court ample jurisdiction to deal with any claim for compensation by a neutral arising from the interference with a ship or goods by our naval forces. The best evidence that can be given of the discrimination and the moderation with which our naval officers have carried out their duties is to be found in the fact that up to this time no proceedings for the recovery of compensation have been initiated under the rule which I have quoted.

It is the common experience of every war that neutrals whose attempts to engage in suspicious trading are frustrated by a belligerent are wont to have recourse to their Government to urge that diplomatic remonstrances should be made on their behalf, and that redress should be obtained for them in this way. When an effective mode of redress is open to them in the courts of a civilized country by which they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until their legal remedies have been exhausted, and they are in a position to show *prima facie* denial of justice.

The course adopted by His Majesty's Government during the American Civil War was in strict accordance with this principle. In spite of remon-

stances from many quarters, they placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunities for redress in those courts had been exhausted. The same course was adopted in the Spanish-American War, when all British subjects who complained of captures or detentions of their ships were referred to the prize courts for relief.

Before leaving the subject may I remind Your Excellency of the fact that at your request you are now supplied immediately by this department with particulars of every ship under American colors which is detained, and of every shipment of cargo in which an American citizen appears to be the party interested. Not only is the fact of detention notified to Your Excellency, but so far as is practicable the grounds upon which the vessel or cargo has been detained are also communicated to you; a concession which enables any United States citizen to take steps at once to protect his interests.

His Majesty's Government have also done all that lies in their power to insure rapid action when ships are reported in British ports. They realize that the ship and cargo owners may reasonably expect an immediate decision to be taken as to whether the ship may be allowed to proceed, and whether her cargo or any part of it must be discharged and put into the prize court. Realizing that the ordinary methods of interdepartmental correspondent might cause delays which could be obviated by another method of procedure, they established several months ago a special committee, on which all the departments concerned are represented. This committee sits daily, and is provided with a special clerical staff. As soon as a ship reaches port full particulars are telegraphed to London, and the case is dealt with at the next meeting of the committee, immediate steps being taken to carry out the action decided upon. By the adoption of this procedure it has been found possible to reduce to a minimum the delays to which neutral shipping is exposed by the exercise of belligerent rights, and by the necessity, imposed by modern conditions, of examining with care the destination of contraband articles.

Particular attention is directed in Your Excellency's note to the policy we are pursuing with regard to conditional contraband, especially foodstuffs, and it is there stated that a number of American cargoes have been seized without, so far as Your Excellency's Government are informed, our being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, and in spite of the presumption of innocent use due to their being destined to neutral territory. The note does not specify any particular seizures as those which formed the basis of this complaint, and I am therefore not aware whether the passage refers to cargoes which were detained before or since the order in council of the 29th October was issued.

Your Excellency will no doubt remember that soon after the outbreak of war an order of His Majesty in council was issued under which no distinction was drawn in the application of the doctrine of continuous voyage between absolute contraband and conditional contraband, and which also imposed upon the neutral owner of contraband somewhat drastic conditions as to the burden of proof of the guilt or innocence of the shipment.

The principle that the burden of proof should always be imposed upon the captor has usually been admitted as a theory. In practice, however, it has almost always been otherwise, and any student of the prize courts decisions of the past or even of modern wars will find that goods seldom escape condemnation unless their owner was in a position to prove that their destination was innocent. An attempt was made some few years ago, in the unratified Declaration of London, to formulate some definite rules

upon this subject, but time alone can show whether the rules there laid down will stand the test of modern warfare.

The rules which His Majesty's Government published in the order in council of the 20th August, 1914, were criticised by the United States Government as contrary to the generally recognized principles of international law, and as inflicting unnecessary hardship upon neutral commerce, and Your Excellency will remember the prolonged discussion which took place between us through the month of October with a view to finding some new formulæ which should enable us to restrict supplies to the enemy forces, and to prevent the supply to the enemy of materials essential for the making of munitions of war, while inflicting the minimum of injury and interference with neutral commerce. It was with this object that the order in council of the 29th October was issued, under the provisions of which a far greater measure of immunity is conferred upon neutral commerce. In that order the principle of noninterference with conditional contraband on its way to a neutral port is in large measure admitted; only in three cases is the right to seize maintained, and in all those cases the opportunity is given to the claimant of the goods to establish their innocence.

Two of those cases are where the ship's papers afford no information as to the person for whom the goods are intended. It is only reasonable that a belligerent should be entitled to regard as suspicious cases where the shippers of the goods do not choose to disclose the name of the individual who is to receive them. The third case is that of goods addressed to a person in the enemy territory. In the peculiar circumstances of the present struggle, where the forces of the enemy comprise so large a proportion of the population, and where there is so little evidence of shipments on private as distinguished from Government account, it is most reasonable that the burden of proof should rest upon the claimant.

The most difficult questions in connection with conditional contraband arise with reference to the shipment of foodstuffs. No country has maintained more stoutly than Great Britain in modern times the principle that a belligerent should abstain from interference with the foodstuffs intended for the civil population. The circumstances of the present struggle are causing His Majesty's Government some anxiety as to whether the existing rules with regard to conditional contraband, framed as they were with the object of protecting so far as possible the supplies which were intended for the civil population, are effective for the purpose, or suitable to the conditions present. The principle which I have indicated above is one which His Majesty's Government have constantly had to uphold against the opposition of continental powers. In the absence of some certainty that the rule would be respected by both parties to this conflict, we feel great doubt whether it should be regarded as an established principle of international law.

Your Excellency will, no doubt, remember that in 1885, at the time when His Majesty's Government were discussing with the French Government this question of the right to declare foodstuffs not intended for the military forces to be contraband, and when public attention had been drawn to the matter, the Kiel Chamber of Commerce applied to the German Government for a statement of the latter's views on the subject. Prince Bismarck's answer was as follows:

"In answer to their representation of the 1st instant, I reply to the Chamber of Commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity, which entails evil consequences not only on the combatants, but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war, to the disadvantage of the

subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. *The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.*"

His Majesty's Government are disposed to think that the same view is still maintained by the German Government.

Another circumstance which is now coming to light is that an elaborate machinery has been organized by the enemy for the supply of foodstuffs for the use of the German army from overseas. Under these circumstances it would be absurd to give any definite pledge that in cases where the supplies can be proved to be for the use of the enemy forces they should be given complete immunity by the simple expedient of dispatching them to an agent in a neutral port.

The reason for drawing a distinction between foodstuffs intended for the civil population and those for the armed forces or enemy Government disappears when the distinction between the civil population and the armed forces itself disappears.

In any country in which there exists such a tremendous organization for war as now obtains in Germany there is no clear division between those whom the Government is responsible for feeding and those whom it is not. Experience shows that the power to requisition will be used to the fullest extent in order to make sure that the wants of the military are supplied, and however much goods may be imported for civil use it is by the military that they will be consumed if military exigencies require it, especially now that the German Government have taken control of all the foodstuffs in the country.

I do not wish to overburden this note with statistics, but in proof of my statement as to the unprecedented extent to which supplies are reaching neutral ports I should like to instance the figures of the exports of certain meat products to Denmark during the months of September and October. Denmark is a country which in normal times imports a certain quantity of such products, but exports still more. In 1913, during the above two months, the United States exports of lard to Denmark were nil, as compared with 22,652,598 pounds in the same two months of 1914. The corresponding figures with regard to bacon were: 1913, nil; 1914, 1,022,195 pounds; canned beef, 1913, nil; 1914, 151,200 pounds; pickled and cured beef, 1913, 42,901 pounds; 1914, 156,143 pounds; pickled pork, 1913, nil; 1914, 812,872 pounds.

In the same two months the United States exported to Denmark 280,176 gallons of mineral lubricating oil in 1914 as compared with 179,252 in 1913; to Norway, 335,468 gallons in 1914, as against 151,179 gallons in 1913; to Sweden, 896,193 gallons in 1914, as against 385,476 gallons in 1913.

I have already mentioned the framing of the order in council of the 20th October, and the transmission to your Excellency of particulars of ships and cargoes seized as instances of the efforts which we have made throughout the course of this war to meet all reasonable complaints made on behalf of American citizens, and in my note of the 7th January I alluded to the decision of our prize court in the case of the *Miramichi*, as evidencing the liberal principles adopted toward neutral commerce.

I should also like to refer to the steps which we took at the beginning of the war to insure the speedy release of cargo claimed by neutrals on board enemy ships which were captured or detained at the outbreak of war. Under our prize court rules release of such goods can be obtained without the necessity of entering a claim in the prize court if the documents of title are produced to the officer representing His Majesty's Gov-

ernment, and the title to the goods is established to his satisfaction. It was shortly found, however, that this procedure did not provide for the case where the available evidence was so scanty that the officer representing the Crown was not justified in consenting to a release. In order, therefore, to ameliorate the situation we established a special committee, with full powers to authorise the release of goods without insisting on full evidence of title being produced. This committee dealt with the utmost expedition with a large number of claims. In the great majority of cases the goods claimed were released at once. In addition to the cases dealt with by this committee a very large amount of cargo was released at once by the procurator general on production of documents. Claimants therefore obtained their goods without the necessity of applying to the prize court and of incurring the expense involved in retaining lawyers, and without the risk, which was in some cases a considerable one, of the goods being eventually held to be enemy property and condemned. We have reason to know that our action in this matter was highly appreciated by many American citizens.

Another instance of the efforts which His Majesty's Government have made to deal as leniently as possible with neutral interests may be found in the policy which we have followed with regard to the transfer to a neutral flag of enemy ships belonging to companies which were incorporated in the enemy country, but all of whose shareholders were neutral. The rules applied by the British and by the American prize courts have always treated the flag as conclusive in favour of the captors in spite of neutral proprietary interests (see the case of the *Pedro*, 175 U. S., 354). In several cases, however, we have consented to waive our belligerent rights to treat as enemy vessels ships belonging to companies incorporated in Germany which were subsidiary to and owned by American corporations. The only condition which we have imposed is that these vessels should take no further part in trade with the enemy country.

I have given these indications of the policy which we have followed, because I cannot help feeling that if the facts were more fully known as to the efforts which we have made to avoid inflicting any avoidable injury on neutral interests, many of the complaints which have been received by the administration in Washington, and which led to the protest which your Excellency handed to me on the 29th December, would never have been made. My hope is that when the facts which I have set out above are realised, and when it is seen that our naval operations have not diminished American trade with neutral countries, and that the lines on which we have acted are consistent with the fundamental principles of international law, it will be apparent to the Government and people of the United States that His Majesty's Government have hitherto endeavoured to exercise their belligerent rights with every possible consideration for the interests of neutrals.

It will still be our endeavour to avoid injury and loss to neutrals, but the announcement by the German Government of their intention to sink merchant vessels and their cargoes without verification of their nationality or character, and without making any provision for the safety of non-combatant crews or giving them a chance of saving their lives, has made it necessary for His Majesty's Government to consider what measures they should adopt to protect their interests. It is impossible for one belligerent to depart from rules and precedents and for the other to remain bound by them.

I have the honour, etc., etc., etc.,
To His Excellency
The Hon^{ble} W. H. Page
etc., etc., etc.

(Signed) E. GREY.

[Telegram.]

DEPARTMENT OF STATE,

Washington, February 10, 1915.

The department has been advised of the Declaration of the German Admiralty on February fourth, indicating that the British Government had on January thirty-first explicitly authorized the use of neutral flags on British merchant vessels presumably for the purpose of avoiding recognition by German naval forces. The department's attention has also been directed to reports in the press that the captain of the *Lusitania*, acting upon orders or information received from the British authorities, raised the American flag as his vessel approached the British coasts, in order to escape anticipated attacks by German submarines. To-day's press reports also contain an alleged official statement of the Foreign Office defending the use of the flag of a neutral country by a belligerent vessel in order to escape capture or attack by an enemy.

Assuming that the foregoing reports are true, the Government of the United States, reserving for future consideration the legality and propriety of the deceptive use of the flag of a neutral power in any case for the purpose of avoiding capture, desires very respectfully to point out to His Britannic Majesty's Government the serious consequences which may result to American vessels and American citizens if this practice is continued.

The occasional use of the flag of a neutral or an enemy under the stress of immediate pursuit and to deceive an approaching enemy, which appears by the press reports to be represented as the precedent and justification used to support this action, seems to this Government a very different thing from an explicit sanction by a belligerent government for its merchant ships generally to fly the flag of a neutral power within certain portions of the high seas which are presumed to be frequented with hostile warships. The formal declaration of such a policy of general misuse of a neutral's flag jeopardizes the vessels of the neutral visiting those waters in a peculiar degree by raising the presumption that they are of belligerent nationality regardless of the flag which they may carry.

In view of the announced purpose of the German Admiralty to engage in active naval operations in certain delimited sea areas adjacent to the coasts of Great Britain and Ireland, the Government of the United States would view with anxious solicitude any general use of the flag of the United States by British vessels traversing those waters. A policy such as the one which His Majesty's Government is said to intend to adopt would, if the declaration of the German Admiralty is put in force, it seems clear, afford no protection to British vessels, while it would be a serious and constant menace to the lives and vessels of American citizens.

The Government of the United States, therefore, trusts that His Majesty's Government will do all in their power to restrain vessels of British nationality from the deceptive use of the flag of the United States in the sea area defined in the German declaration, since such practice would greatly endanger the vessels of a friendly power navigating those waters and would even seem to impose upon the Government of Great Britain a measure of responsibility for the loss of American lives and vessels in case of an attack by a German naval force.

Please present a note to Sir Edward Grey in the sense of the foregoing and impress him with the grave concern which this Government feels in the circumstances in regard to the safety of American vessels and lives in the war zone declared by the German Admiralty.

You may add that this Government is making earnest representations to the German Government in regard to the danger to American vessels and citizens if the declaration of the German Admiralty is put into effect.
BRYAN.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 1674.]

AMERICAN EMBASSY,
London, February 19, 1915.

Your 1105, 10th. Sir Edward Grey has just handed me the following memorandum. Since your telegram to him was given to the press in Washington, I consented to his proposal to give this memorandum out for publication in Saturday morning newspapers:

"The memorandum communicated on the 11th February calls attention in courteous and friendly terms to the action of the captain of the British S. S. *Lusitania* in raising the flag of the United States of America when approaching British waters and says that the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens.

"It was understood that the German Government had announced their intention of sinking British merchant vessels at sight by torpedoes without giving any opportunity of making any provision for saving the lives of noncombatant crews and passengers. It was in consequence of this threat that the *Lusitania* raised the United States flag on her inward voyage and on her subsequent outward voyage. A request was made by the United States passengers who were embarking on board her that the United States flag should be hoisted presumably to insure their safety. Meanwhile the memorandum from Your Excellency had been received. His Majesty's Government did not give any advice to the company as to how to meet this request and it is understood that the *Lusitania* left Liverpool under the British flag.

"It seems unnecessary to say more as regards the *Lusitania* in particular regard to the use of foreign flags by merchant vessels. The British merchant shipping act makes it clear that the use of the British flag by foreign merchant vessels is permitted in time of war for the purpose of escaping capture. It is believed that in the case of some other nations there is a similar recognition of the same practice with regard to their flags and that none have forbidden it. It would therefore be unreasonable to expect His Majesty's Government to pass legislation forbidding the use of foreign flags by British merchant vessels to avoid capture by the enemy. Now that the German Government have announced their intention to sink merchant vessels at sight with their noncombatant crews, cargoes, and papers, a proceeding hitherto regarded by the opinion of the world not as war, but as piracy, it is felt that the United States Government could not fairly ask the British Government to order British merchant vessels to forego the means—always hitherto permitted—of escaping not only capture but the much worse fate of sinking and destruction. Great Britain has always when neutral accorded to the vessels of other States at war liberty to use the British flag as a means of protection against capture, and instances are on record when United States vessels availed themselves of this facility during the American Civil War. It would be contrary to fair expectation if now when the conditions are reversed the United States and neutral nations were to grudge to British ships liberty to take similar action. The British Government have no intention of advising their mer-

chant shipping to use foreign flags as general practice or to resort to them otherwise than for escaping capture or destruction.

"The obligation upon a belligerent warship to ascertain definitely for itself the nationality and character of a merchant vessel before capturing it and 'a fortiori' before sinking and destroying it has been universally recognized. If that obligation is fulfilled, hoisting a neutral flag on board a British vessel can not possibly endanger neutral shipping and the British Government hold that if loss to neutrals is caused by disregard of this obligation it is upon the enemy vessel disregarding it and upon the Government giving orders that it should be disregarded that the sole responsibility for injury to neutrals ought to rest."

PAGE.

The Secretary of State to Ambassador W. H. Page¹

[Telegram.]

No. 1169.]

DEPARTMENT OF STATE,
Washington, February 20, 1915.

You will please deliver to Sir Edward Grey the following identic note which we are sending England and Germany:

In view of the correspondence which has passed between this Government and Great Britain and Germany respectively, relative to the Declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent Governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

1. That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the Government planting them and be so constructed as to become harmless if separated from their moorings.

2. That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search.

3. That each will require their respective merchant vessels not to use neutral flags for the purpose of *disguise or ruse de guerre*.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail

¹ Same to the American Embassy at Berlin.

dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to noncombatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the noncombatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, as a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.

BRYAN.

The British Ambassador to the Secretary of State¹

BRITISH EMBASSY,
Washington, March 1, 1915.

Germany has declared that the English Channel, the north and west coasts of France, and the waters around the British Isles are a war area and has officially notified that all enemy ships found in that area will be destroyed and that neutral vessels may be exposed to danger. This is in effect a claim to torpedo at sight, without regard to the safety of the crew or passengers, any merchant vessel under any flag. As it is not in the power of the German Admiralty to maintain any surface craft in these waters, this attack can only be delivered by submarine agency.

The law and custom of nations in regard to attacks on commerce have always presumed that the first duty of the captor of a merchant vessel is to bring it before a prize court where it may be tried, where the regularity of the capture may be challenged and where neutrals may recover their cargoes. The sinking of prizes is in itself a questionable act to be resorted to only in extraordinary circumstances and after provision has been made for the safety of all the crew or passengers, if there are passengers on board. The responsibility for discriminating between neutral and enemy vessels, and between neutral and enemy cargo, obviously rests with the attacking ship, whose duty is to verify the status and character of the vessel and cargo and to preserve all papers before sinking or even capturing it. So also is the humane duty of providing for the safety of the crews of merchant vessels, whether neutral or enemy, an obligation upon every belligerent.

It is upon this basis that all previous discussions of the law for regulating warfare at sea have proceeded. A German submarine, however, fulfills none of these obligations; she enjoys no local command of the waters in which she operates; she does not take her captures within the jurisdiction of a prize court; she carries no prize crew which she can put on board a prize; she uses no effective means of discriminating between a neutral and an enemy vessel; she does not receive on board for safety the crew and passengers of the vessel she sinks; her methods of warfare are

¹ A declaration from the French Ambassador in practically identical language was presented at the Department at the same time.

therefore entirely outside the scope of any of the international instruments regulating operations against commerce in time of war. The German declaration substitutes indiscriminate destruction for regulated capture. Germany is adopting these methods against peaceful traders and noncombatant crews with the avowed object of preventing commodities of all kinds, including food for the civil population, from reaching or leaving the British Isles or northern France.

Her opponents are therefore driven to frame retaliatory measures in order in their turn to prevent commodities of any kind from reaching or leaving Germany. These measures will, however, be enforced by the British and French Governments without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity. The British and French Governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation. The treatment of vessels and cargoes which have sailed before this date will not be affected.

CECIL SPRING RICE.

The Secretary of State to Ambassador Page

[Telegram.]

No. 1233.]

DEPARTMENT OF STATE,
Washington, March 5, 1915.

In regard to the recent communications received from the British and French Governments concerning restraints upon commerce with Germany, please communicate with the British foreign office in the sense following:

The difficulty of determining action upon the British and French declarations of intended retaliation upon commerce with Germany lies in the nature of the proposed measures in their relation to commerce by neutrals.

While it appears that the intention is to interfere with and take into custody all ships both outgoing and incoming, trading with Germany, which is in effect a blockade of German ports, the rule of blockade, that a ship attempting to enter or leave a German port regardless of the character of its cargo may be condemned, is not asserted.

The language of the declaration is "the British and French Governments will, therefore, hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation."

The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.

The declaration presents other perplexities.

The last sentence quoted indicates that the rules of contraband are to be applied to cargoes detained. The rule covering noncontraband articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule can not, under the first sentence quoted, be applied as to destination. What then is to be done with a cargo of noncontraband goods detained under the declaration? The same question may be asked as to conditional contraband cargoes.

The foregoing comments apply to cargoes destined for Germany. Cargoes coming out of German ports present another problem under the terms of the declaration. Under the rules governing enemy exports only goods owned by enemy subjects in enemy bottoms are subject to seizure and condemnation. Yet by the declaration it is purposed to seize and take into port all goods of enemy "ownership and origin." The word "origin" is particularly significant. The origin of goods destined to neutral territory on neutral ships is not and never has been a ground for forfeiture except in case a blockade is declared and maintained. What then would the seizure amount to in the present case except to delay the delivery of the goods? The declaration does not indicate what disposition would be made of such cargoes if owned by a neutral or if owned by an enemy subject. Would a different rule be applied according to ownership? If so, upon what principles of international law would it rest? And upon what rule if no blockade is declared and maintained could the cargo of a neutral ship sailing out of a German port be condemned? If it is not condemned, what other legal course is there but to release it?

While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to "the radius of activity," and especially so if this action by the belligerents can be construed to be a blockade. It would certainly create a serious state of affairs if, for example, an American vessel laden with a cargo of German origin should escape the British patrol in European waters only to be held up by a cruiser off New York and taken into Halifax.

Similar cablegram sent to Paris.

BRYAN.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 1795.]

AMERICAN EMBASSY,
London, March 15, 1915.

Following is the full text of a memorandum dated March 13, which Grey handed me to-day:

"On the 22d of February last I received a communication from Your Excellency of the identic note addressed to His Majesty's Government and to Germany, respecting an agreement on certain points as to the conduct of the war at sea. The reply of the German Government to this note has been published and it is not understood from the reply that the German Government are prepared to abandon the practice of sinking British merchant vessels by submarines, and it is evident from their reply that they will not abandon the use of mines for offensive purposes on the high seas as contrasted with the use of mines for defensive purposes only within cannon range of their own harbors as suggested by the Government of the United States. This being so, it might appear unnecessary for the British Government to make any further reply than to take note of the German answer. We desire, however, to take the opportunity of making a fuller statement of the whole position and of our feeling with regard to it. We recognize with sympathy the desire of the Government of the United States to see the European war conducted in accordance with the previously recognized rules of international law and the dictates of humanity. It is thus that the British forces have conducted the war, and we are not aware that these forces, either naval or military, can have laid to their charge any improper proceedings, either in the conduct of hostilities or in the treatment of prisoners or wounded. On the German side it has been very different.

"1. The treatment of civilian inhabitants in Belgium and the north of France has been made public by the Belgian and French Governments and by those who have had experience of it at first hand. Modern history affords no precedent for the sufferings that have been inflicted on the defenseless and noncombatant population in the territory that has been in German military occupation. Even the food of the population was confiscated until in Belgium an International Commission, largely influenced by American generosity and conducted under American auspices, came to the relief of the population and secured from the German Government a promise to spare what food was still left in the country though the Germans still continue to make levies in money upon the defenseless population for the support of the German Army.

"2. We have from time to time received most terrible accounts of the barbarous treatment to which British officers and soldiers have been exposed after they have been taken prisoner while being conveyed to German prison camps; one or two instances have already been given to the United States Government founded upon authentic and first-hand evidence which is beyond doubt. Some evidence has been received of the hardships to which British prisoners of war are subjected in the prison camps contrasting, we believe, most unfavorably with the treatment of German prisoners in this country. We have proposed, with the consent of the United States Government, that a commission of United States officers should be permitted in each country to inspect the treatment of prisoners of war. The United States Government have been unable to obtain any reply from the German Government to this proposal and we remain in continuing anxiety and apprehension as to the treatment of British prisoners of war in Germany.

"3. At the very outset of the war a German mine layer was discovered laying a mine field on the high seas. Further mine fields have been laid from time to time without warning and so far as we know are still being laid on the high seas, and many neutral as well as British vessels have been sunk by them.

"4. At various times during the war German submarines have stopped and sunk British merchant vessels, thus making the sinking of merchant vessels a general practice, though it was admitted previously, if at all, only as an exception, the general rule to which the British Government have adhered being that merchant vessels, if captured, must be taken before a prize court. In one case already quoted in a note to the United States Government, a neutral vessel carrying foodstuffs to an unfortified town in Great Britain has been sunk. Another case is now reported in which a German armed cruiser has sunk an American vessel, the *William P. Frye*, carrying a cargo of wheat from Seattle to Queenstown. In both cases the cargoes were presumably destined for the civil population. Even the cargoes in such circumstances should not have been condemned without the decision of a prize court, much less should the vessels have been sunk. It is to be noted that both these cases occurred before the detention by the British authorities of the *Wilhelmina* and her cargo of foodstuffs which the German Government allege is the justification for their own action. The Germans have announced their intention of sinking British merchant vessels by torpedo without notice and without any provision for the safety of the crew. They have already carried out this intention in the case of neutral as well as of British vessels, and a number of noncombatant and innocent lives on British vessels, unarmed and defenseless, have been destroyed in this way.

"5. Unfortified, open, and defenseless towns, such as Scarborough, Yarmouth, and Whitby, have been deliberately and wantonly bombarded by German ships of war, causing in some cases considerable loss of civilian life, including women and children.

"6. German aircraft have dropped bombs on the east coast of England where there were no military or strategic points to be attacked. On the other hand, I am aware of but two criticisms that have been made on British action in all these respects: (1) It is said that the British naval authorities also have laid some anchored mines on the high seas. They have done so, but the mines were anchored and so constructed that they would be harmless if they went adrift, and no mines whatever were laid by the British naval authorities till many weeks after the Germans had made a regular practice of laying mines on the high seas. (2) It is said that the British Government have departed from the view of international law which they had previously maintained that foodstuffs destined for the civil population should never be interfered with, this charge being founded on the submission to a prize court of the cargo of the *Wilhelmina*. The special considerations affecting this cargo have already been presented in a memorandum to the United States Government, and I need not repeat them here. Inasmuch as the stoppage of all foodstuffs is an admitted consequence of blockade, it is obvious that there can be no universal rule based on considerations of morality and humanity which is contrary to this practice. The right to stop foodstuffs destined for the civil population must therefore in any case be admitted if an effective 'cordon' controlling intercourse with the enemy is drawn, announced, and maintained. Moreover, independently of rights arising from belligerent action in the nature of blockade, some other nations, differing from the opinion of the Governments of the United States and Great Britain, have held that to stop the food of the civil population is a natural and legitimate method of bringing pressure to bear on an enemy country, as it is upon the defense of a besieged town. It is also upheld on the authority of both Prince Bismarck and Count Caprivi, and therefore presumably is not repugnant to German morality. The following are the quotations from Prince Bismarck and Count Caprivi on this point. Prince Bismarck, in answering, in 1885, an application from the Kiel Chamber of Commerce for a statement of the view of the German Government on the question of the right to declare as contraband foodstuffs that were not intended for military forces, said: 'I reply to the chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity which entails evil consequences, not only on the combatants but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.' Count Caprivi, during a discussion in the German Reichstag on the 4th of March, 1892, on the subject of the importance of international protection for private property at sea, made the following statements: 'A country may be dependent for her food or for her raw products upon her trade. In fact, it may be absolutely necessary to destroy the enemy's trade.' * * * 'The private introduction of provisions into Paris was prohibited during the siege, and in the same way a nation would be justified in preventing the import of food and raw produce.' The Government of Great Britain have frankly declared, in concert with the Government of France, their intention to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves stopping supplies going to or from Germany for this end. The British fleet has instituted a block-

ade, effectively controlling by cruiser 'cordon' all passage to and from Germany by sea. The difference between the two policies is, however, that while our object is the same as that of Germany, we propose to attain it without sacrificing neutral ships or noncombatant lives or inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice, examination, or trial. I must emphasize again that this measure is a natural and necessary consequence of the unprecedented methods, repugnant to all law and morality, which have been described above, which Germany began to adopt at the very outset of the war, and the effects of which have been constantly accumulating."

PAGE.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 1798.]

AMERICAN EMBASSY,

London, March 15, 1915.

Following is the full text of a note, dated to-day, and an order in council I have just received from Grey:

"1. His Majesty's Government have had under careful consideration the injuries which, under instructions from your Government, Your Excellency addressed to me on the eighth instant regarding the scope and mode of application of the measures, foreshadowed in the British and French declarations of the first of March, for restricting the trade of Germany. Your Excellency explained and illustrated by reference to certain contingencies the difficulty of the United States Government in adopting a definite attitude toward these measures by reason of uncertainty regarding their bearing upon the commerce of neutral countries.

"2. I can at once assure Your Excellency that subject to the paramount necessity of restricting German trade His Majesty's Government have made it their first aim to minimize inconvenience to neutral commerce. From the accompanying copy of the order in council, which is to be published to-day, you will observe that a wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order. I apprehend that the perplexities to which Your Excellency refers will for the most part be dissipated by the perusal of this document and that it is only necessary for me to add certain explanatory observations.

"3. The effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government. The extent to which those powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation, are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities specially charged with the duty of dealing with individual ships and cargoes, according to the merits of each case. The United States Government may rest assured that the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany.

"4. His Majesty's Government have felt most reluctant at the moment of initiating a policy of blockade to exact from neutral ships all

the penalties attaching to a breach of blockade. In their desire to alleviate the burden which the existence of a state of war at sea must inevitably impose on neutral sea-borne commerce, they declare their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes which belligerents have always claimed in respect of breaches of blockade. They restrict their claim to the stopping of cargoes destined for or coming from the enemy's territory.

"5. As regards cotton, full particulars of the arrangements contemplated have already been explained. It will be admitted that every possible regard has been had to the legitimate interests of the American cotton trade.

"6. Finally, in reply to the penultimate paragraph of Your Excellency's note, I have the honor to state that it is not intended to interfere with neutral vessels carrying enemy cargo of noncontraband nature outside European waters, including the Mediterranean.

"ORDER IN COUNCIL

"Whereas the German Government has issued certain orders which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels will be destroyed, irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare; and

"Whereas in a memorandum accompanying the said orders neutrals are warned against entrusting crews, passengers, or goods to British or allied ships;

"Whereas such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation;

"And whereas His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or noncombatant life and in strict observance of the dictates of humanity;

"And whereas the allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany;

"His Majesty is therefore pleased, by and with the advice of his privy council, to order and it is hereby ordered as follows:

"1. No merchant vessel which sailed from her port of departure after the first March, 1915, shall be allowed to proceed on her voyage to any German port.

"Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the marshal of the prize court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just, to the person entitled thereto.

"2. No merchant vessel which sailed from any German port after the first March, 1915, shall be allowed to proceed on her voyage with any goods on board laden at such port.

"All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

"Provided, that no proceeds of the sale of such goods shall be paid out of court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

"Provided also, that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officer of the Crown.

"3. Every merchant vessel which sailed from her port of departure after the first of March, 1915, on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the court, upon such terms as the court may in the circumstances deem to be just to the person entitled thereto.

"Provided, that this article shall not apply in any case falling within articles 2 or 4 of this order.

"4. Every merchant vessel which sailed from a port other than a German port after the first of March, 1915, having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the prize court, and if not requisitioned for the use of His Majesty shall be detained or sold under the direction of the prize court. The proceeds of goods so sold shall be paid into court and dealt with in such manner as the court may in the circumstances deem to be just.

"Provided, that no proceeds of sale of such goods shall be paid out of court until the conclusion of peace except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

"Provided also, that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper officer of the Crown.

"5. Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the marshal of the prize court under this order, or in the proceeds of such goods, may forthwith issue a writ in the prize court against the proper officer of the Crown and apply for an order that the goods should be restored to him, or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

"The practice and procedure of the prize court shall, so far as applicable, be followed *mutatis mutandis* in any proceedings consequential upon this order.

"6. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass, having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

"7. Nothing in this order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this order.

"8. Nothing in this order shall prevent the relaxation of the provisions of this order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of its flag."

PAGE.

The Secretary of State to Ambassador W. H. Page

[Telegram.]

No. 1343.]

DEPARTMENT OF STATE,
Washington, March 30, 1915.

You are instructed to deliver the following to His Majesty's Government in reply to your numbers 1795 and 1798 of March 15:

The Government of the United States has given careful consideration to the subjects treated in the British notes of March 13 and March 15, and to the British Order in Council of the latter date.

These communications contain matters of grave importance to neutral nations. They appear to menace their rights of trade and intercourse not only with belligerents but also with one another. They call for frank comment in order that misunderstandings may be avoided. The Government of the United States deems it its duty, therefore, speaking in the sincerest spirit of friendship, to make its own view and position with regard to them unmistakably clear.

The Order in Council of the 15th of March would constitute, were its provisions to be actually carried into effect as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace.

This Government takes it for granted that there can be no question what those rights are. A nation's sovereignty over its own ships and citizens under its own flag on the high seas in time of peace is, of course, unlimited; and that sovereignty suffers no diminution in time of war, except in so far as the practice and consent of civilized nations has limited it by the recognition of certain now clearly determined rights, which it is conceded may be exercised by nations which are at war.

A belligerent nation has been conceded the right of visit and search, and the right of capture and condemnation, if upon examination a neutral vessel is found to be engaged in unneutral service or to be carrying contraband of war intended for the enemy's government or armed forces. It has been conceded the right to establish and maintain a blockade of an enemy's ports and coasts and to capture and condemn any vessel taken in trying to break the blockade. It is even conceded the right to detain and take to its own ports for judicial examination all vessels which it suspects for substantial reasons to be engaged in unneutral or contraband service and to condemn them if the suspicion is sustained. But such rights, long clearly defined both in doctrine and practice, have hitherto been held to be the only permissible exceptions to the principle of universal equality of sovereignty on the high seas as between belligerents and nations not engaged in war.

It is confidently assumed that His Majesty's Government will not deny that it is a rule sanctioned by general practice that, even though a blockade should exist and the doctrine of contraband as to unblockaded territory be rigidly enforced, innocent shipments may be freely transported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition, or confiscation.

Moreover the rules of the Declaration of Paris of 1856—among them that free ships make free goods—will hardly at this day be disputed by the signatories of that solemn agreement.

His Majesty's Government, like the Government of the United States, have often and explicitly held that these rights represent the best usage of warfare in the dealings of belligerents with neutrals at sea. In this connection I desire to direct attention to the opinion of the Chief Justice

of the United States in the case of the *Peterhof*, which arose out of the Civil War, and to the fact that that opinion was unanimously sustained in the award of the Arbitration Commission of 1871, to which the case was presented at the request of Great Britain. From that time to the Declaration of London of 1909, adopted with modifications by the Order in Council of the 23d of October last, these rights have not been seriously questioned by the British Government. And no claim on the part of Great Britain of any justification for interfering with these clear rights of the United States and its citizens as neutrals could be admitted. To admit it would be to assume an attitude of unneutrality toward the present enemies of Great Britain which would be obviously inconsistent with the solemn obligations of this Government in the present circumstances; and for Great Britain to make such a claim would be for her to abandon and set at naught the principles for which she has consistently and earnestly contended in other times and circumstances.

The note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the Order in Council, and which bears the same date, notifies the Government of the United States of the establishment of a blockade which is, if defined by the terms of the Order in Council, to include all the coasts and ports of Germany and every port of possible access to enemy territory. But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them, and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain, and to unusual risks and penalties.

It is manifest that such limitations, risks, and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade or commerce is interfered with.

The Government of the United States is, of course, not oblivious to the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated. It might be ready to admit that the old form of "close" blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and air craft; but it can hardly be maintained that, whatever form of effective blockade may be made use of, it is impossible to conform at least to the spirit and principles of the established rules of war. If the necessities of the case should seem to render it imperative that the cordon of blockading vessels be extended across the approaches to any neighboring neutral port or country, it would seem clear that it would still be easily practicable to comply with the well-recognized and reasonable prohibition of international law against the blockading of neutral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon. This traffic would of course include all outward-bound traffic from the neutral country and all inward-bound traffic to the neutral country except contraband in transit to the enemy. Such procedure need not conflict in any respect with the rights of the belligerent maintaining the blockade since the right would remain with the blockading vessels to visit and search all ships either entering or leaving the neutral territory which they were in fact, but not of right, investing.

The Government of the United States notes that in the Order in Council His Majesty's Government give as their reason for entering upon a course of action, which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to re-

taliate upon their enemies for measures of a similar nature which the latter have announced it their intention to adopt and which they have to some extent adopted; but the Government of the United States, recalling the principles upon which His Majesty's Government have hitherto been scrupulous to act, interprets this as merely a reason for certain extraordinary activities on the part of His Majesty's naval forces and not as an excuse for or prelude to any unlawful action. If the course pursued by the present enemies of Great Britain should prove to be in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed, and this Government does not for a moment suppose, that His Majesty's Government would wish the same taint to attach to their own actions or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights.

It is thus that the Government of the United States interprets the language of the note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the copy of the Order in Council which was handed to the Ambassador of the United States near the Government in London and by him transmitted to Washington.

This Government notes with gratification that "wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just, and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order"; that "the effect of the Order in Council is to confer certain powers upon the executive officers of His Majesty's Government"; and that "the extent to which these powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities especially charged with the duty of dealing with individual ships and cargoes according to the merits of each case." This Government further notes with equal satisfaction the declaration of the British Government that "the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as may be compatible with that object, which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany."

In view of these assurances formally given to this Government, it is confidently expected that the extensive powers conferred by the Order in Council on the executive officers of the Crown will be restricted by "orders issued by the Government" directing the exercise of their discretionary powers in such a manner as to modify in practical application those provisions of the Order in Council which, if strictly enforced, would violate neutral rights and interrupt legitimate trade. Relying on the faithful performance of these voluntary assurances by His Majesty's Government the United States takes it for granted that the approach of American merchantmen to neutral ports situated upon the long line of coast affected by the Order in Council will not be interfered with when it is known that they do not carry goods which are contraband of war or goods destined to or proceeding from ports within the belligerent territory affected.

The Government of the United States assumes with the greater confidence that His Majesty's Government will thus adjust their practice to the recognized rules of international law, because it is manifest that the British Government have adopted an extraordinary method of "stopping cargoes destined for or coming from the enemy's territory," which, owing

to the existence of unusual conditions in modern warfare at sea, it will be difficult to restrict to the limits which have been heretofore required by the law of nations. Though the area of operations is confined to "European waters including the Mediterranean," so great an area of the high seas is covered and the cordon of ships is so distant from the territory affected that neutral vessels must necessarily pass through the blockading force in order to reach important neutral ports which Great Britain as a belligerent has not the legal right to blockade and which, therefore, it is presumed she has no intention of claiming to blockade. The Scandinavian and Danish ports, for example, are open to American trade. They are also free, so far as the actual enforcement of the Order in Council is concerned, to carry on trade with German Baltic ports although it is an essential element of blockade that it bear with equal severity upon all neutrals.

This Government, therefore, infers that the commanders of His Majesty's ships of war engaged in maintaining the so-called blockade will be instructed to avoid an enforcement of the proposed measures of non-intercourse in such a way as to impose restrictions upon neutral trade more burdensome than those which have been regarded as inevitable when the ports of a belligerent are actually blockaded by the ships of its enemy.

The possibilities of serious interruption of American trade under the Order in Council are so many, and the methods proposed are so unusual and seem liable to constitute so great an impediment and embarrassment to neutral commerce that the Government of the United States, if the Order in Council is strictly enforced, apprehends many interferences with its legitimate trade which will impose upon His Majesty's Government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas. It is, therefore, expected that His Majesty's Government, having considered these possibilities, will take the steps necessary to avoid them, and, in the event that they should unhappily occur, will be prepared to make full reparation for every act which under the rules of international law constitutes a violation of neutral rights.

As stated in its communication of October 22, 1914, "this Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London, and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated or their free exercise interfered with, by the authorities of the British Government."

In conclusion you will reiterate to His Majesty's Government that this statement of the views of the Government of the United States is made in the most friendly spirit, and in accordance with the uniform candor which has characterized the relations of the two Governments in the past, and which has been in large measure the foundation of the peace and amity existing between the two nations without interruption for a century.

BRYAN.

Consul General Skinner to the Secretary of State

[Extract.]

AMERICAN CONSULATE GENERAL

London, April 7, 1915.

SIR: Referring to my telegram dated March 31st setting forth that under an unproclaimed Order in Council dated March 23d it was proposed to requisition the cargo of the *Wilhelmina*, I have the honor to enclose herewith a full copy of the order in question.

I have, etc.,

ROBERT P. SKINNER.

ORDER IN COUNCIL

March 23, 1915.

Whereas by section 3 of the prize courts act, 1894, H's Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the naval prize act, 1864, and the said act, the procedure and practice of prize courts within the meaning of the naval prize act, 1864, and the duties and conduct of the officers of the courts and of the practitioners therein, and for regulating the fees to be taken by the officers thereof, and the costs, charges and expenses to be allowed to the practitioners therein:

And whereas in pursuance of the prize courts act, 1894, certain rules were made by the order of His Majesty in Council, dated the 5th day of August, 1914, and amended by the Orders of His Majesty in Council of the 30th day of September, 1914, and the 28th day of November, 1914, respectively, which said rules and amended rules were by the said Orders in Council directed to take effect *provisionally* in accordance with the provisions of section 2 of the Rules Publication Act, 1893, from the dates of the said Orders in Council, respectively:

And whereas the provisions of section 1 of the rules publication act, 1893, were duly complied with in respect of the said rules and amended rules, and the same were *finally* made by the orders of His Majesty in Council, dated, respectively, the 17th day of September, 1914, the 28th day of November, 1914, and the 3d day of February, 1915.

And whereas it is expedient that the said rules and amended rules should be further amended.

And whereas on account of urgency this order should come into immediate operation.

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said act or otherwise in him vested, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, as follows:

1. That in Order IX (discovery, inspection, and admission of documents and facts) of the said rules:

In rule 1, the words "upon filing an affidavit" shall be omitted.

In rule 1, instead of the words "any other party" there shall be substituted the words "any party other than the proper officer of the Crown."

2. That in Order XI (sale, appraisalment, safe custody, and inspection of prize) of the said rules, in rule 1, the following words shall be omitted: "on account of the condition of a ship, or on application of a claimant, and on or after condemnation."

3. That in Order XV (evidence and hearing) of the said rules, the following rule shall be added:

"21. Notwithstanding anything contained in these rules the proper officer of the Crown may apply to the judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not."

4. That Order XXIX (requisition by admiralty) of the said rules, as amended by His Majesty's Order in Council dated the 28th day of November, 1914, shall be, and the same is hereby, revoked, and in lieu thereof the following order shall have effect:

"ORDER XXIX—REQUISITION

"1. Where it is made to appear to the judge on the application of the proper officer of the Crown that it is desired to requisition on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with rule 5 of this order, the ship shall be released and delivered to the Crown.

"2. Where a decree for the detention of a ship has been made in

accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with rule 5 of this order the ship shall be released, and delivered to the Crown. Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

"3. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the judge may order the same to be forthwith released and delivered to the Crown without appraisalment.

"4. In any case where a ship has been requisitioned under the provisions of this order and whether or not an appraisalment has been made, the court may, on the application of any party, fix the amount to be paid by the Crown in respect of the value of the ship.

"5. In every case of requisition under this order an undertaking in writing shall be filed by the proper officer of the Crown for payment into court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

"6. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Crown desires to requisition the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Crown, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII, rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered by reason of such temporary delivery as aforesaid.

"7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

"8. In any case of requisition of a ship in respect of which no cause has been instituted, any person interested in such ship may, without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the court, and the judge may, on the hearing of such summons, order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit."

5. That in Form 4 in Appendix A to the said rules there shall be omitted the words "commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

6. This order shall take effect *provisionally* in accordance with the provisions of Section 2 of the rules publication act, 1893, from the date hereof.

ALMERIC FITZROY.

The American Ambassador at London to the Secretary of State ad Interim
[Telegram.]

No. 2325.]

AMERICAN EMBASSY,
London, June 22, 1915.

Lord Crewe, in charge of Foreign Office during Sir Edward Grey's temporary absence, has just handed me a printed memorandum dated

June 17. It is not an answer to the principles set forth in the note transmitted in your 1343 of March 30, but merely an explanation of concrete cases and the regulations under which they are dealt with. Foreign Office wishes to arrange for simultaneous publication here and in Washington morning of 25th inst. Please telegraph if this date is satisfactory. Memorandum reads as follows:

"1. His Majesty's Government have on various occasions, and notably in the communication which was addressed to the United States Ambassador on the 15th March last, given assurances to the United States Government that they would make it their first aim to minimize the inconvenience which must inevitably be caused to neutral commerce from the existence of a state of war at sea, and in particular from the measures taken by the Allied Governments for the restriction of the enemies' oversea trade. In view of the representation and complaints made to this department by the Ambassador from time to time as to the peculiar hardships alleged to have been wrongly inflicted on American trade and shipping by the operation of those measures, His Majesty's Government desire to offer the following observations respecting the manner in which they have consistently endeavoured to give practical effect to those assurances.

"2. It will be recalled that, at the moment when His Majesty's Government announced their measures against enemy commerce, they declared their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes, which belligerents had always previously claimed in respect of breaches of blockade; that, under Article Five [1] of the enactment of the 11th March, it was expressly provided that any person claiming to be interested in goods placed in the Prize Court in pursuance of the provision of that enactment, might forthwith issue a writ against the proper officer of the Crown, the object being to confer upon claimants the right to institute proceedings without waiting for the writ of the procurator general, and thus to remove all possible cause of legitimate grievance on account of delay; and that, finally, a pacific assurance was given to the United States Government that the instructions to be issued by His Majesty's Government to the fleet, and to the customs officials and executive officials concerned, would impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as might be compatible with that object, namely, to prevent vessels carrying goods for, or coming from, the enemy's territory.

"3. The above measures were all designed to alleviate the burdens imposed upon neutral sea-borne commerce in general. Various special concessions, over and above those enumerated, have moreover been made in favour of United States citizens.

"4. Thus His Majesty's Government have acted, as regards shipments of American cotton, in accordance with the provisions of an arrangement arrived at in direct collaboration with representatives of the American cotton interests. In accepting this scheme, the principal representative of those interests described it as conceding all that American interests could properly ask. The provisions of the arrangement were, as the United States Ambassador is aware, as follows:

'[1] All cotton for which contracts of sale and freight engagements have already been made before the 2d March is to be allowed free [or bought at contract price if stopped], provided the ship sails not later than the 31st March.

'[2] Similar treatment is to be accorded to all cotton insured before the 2d March, provided it is put on board not later than the 16th March.

'[3] All shipments of cotton claiming the above protection are to be declared before sailing, and documents produced to, and certificates obtained from, consular officers or other authority fixed by the Government.'

"5. Considerable shipments of cotton have already been dealt with under this arrangement, and in certain cases the dates specified have been extended in favour of American shippers. The Board of Trade have already paid a sum exceeding £450,000 to various American claimants, and all claims are being and will continue to be paid as rapidly as they are presented and the proofs of title can be checked. If in some cases progress has been delayed, this has been due to the fact which has seriously embarrassed His Majesty's Government—that a number of consignments, for which the American shippers had specifically invoked the protection of the arrangement, are now claimed by Swedish and Dutch firms, whose title of ownership, notwithstanding the action of the American shippers, appears in some cases to be valid, and in others has led to the issue of writs in the Prize Court.

"6. It has been explicitly acknowledged by the special representatives of the American claimants, who have been in constant and direct communication with the Board of Trade, that all the claims so far submitted under the cotton arrangement have been settled with the utmost promptitude so soon as the production of the necessary documents by the claimants allowed of this being done. There is, at the present moment, no claim before His Majesty's Government that has not been paid, and the sums so paid over are already considerably in excess of the amounts realized by the sale of the goods.

"7. As regards the more general allegation of delay in dealing with cases of detained cargoes, the following facts and figures may be quoted:

'The total number of vessels which, having cleared from United States ports since the initiation of the retaliatory measures against German trade, are still detained in United Kingdom ports, is 27; of this number, 8 are discharging cotton which His Majesty's Government has agreed to purchase under the above arrangement. Of the remaining 19 vessels, 7 are free to depart so soon as the items of their cargo placed in the Prize Court have been discharged. The other 12, of which 3 only are American ships, are detained pending inquiries as to suspicious consignments, and particulars as to the dates and approximate causes of detention are furnished in the accompanying list: It will be observed that 8 have been detained for a period of less than a week, and 3 for a period of less than a fortnight, while the detention of 1 is due to the difficulties in regard to transit across Sweden and Russia.'

"8. His Majesty's Government remain convinced that, on an impartial review of the facts, it will be admitted that no arbitrary interference with American interests has, in regard to cotton cargoes, occurred; while if due regard be paid to the enormous volume of American and neutral shipping which is continually engaged in the trans-Atlantic trade, the figures and dates quoted in the preceding paragraph will emphasize the restricted nature of any interference which has taken place and the close attention with which the officials concerned have adhered to their instructions to act in all cases with expedition and with every possible consideration for neutrals.

"9. Since His Majesty's Government have been compelled to adopt their present measures against German commerce, they have given special consideration to the question of avoiding as far as possible unnecessary damage to the interests of neutrals in regard to the export of goods of German origin, and here again liberal concessions have been made to United States citizens. Under the rules enacted on the 11th March pro-

vision is made for the investigation of all neutral claims respecting such goods in the Prize Court, and it is obvious that these claims can receive due and equitable consideration most properly before a judicial tribunal. Nevertheless, in deference to the express desire of the United States Government, arrangements were made toward the end of March whereby United States citizens who might desire to import goods of German origin via a neutral port were enabled to produce proof of payment to His Majesty's Embassy at Washington. If such proof were deemed satisfactory, His Majesty's Government gave an undertaking that the goods concerned should not be interfered with in transit, and the American importer was freed from the necessity of submitting his claim to the Prize Court in London for adjudication. A few days later His Majesty's Government further agreed to recognize the neutral ownership of goods of enemy origin even if not paid for before the 1st March, provided they were the subject of an f. o. b. contract of earlier date, and had arrived at a neutral port before the 15th March.

"10. Special treatment has also been accorded to cargoes of particular products destined for the United States and stated to be indispensable for the industries of the country; and, in notes addressed to the United States Ambassador in April and May, undertakings were given not to interfere during transit with certain cargoes of dyestuffs, potash, and German beet seed.

"11. When it became apparent that large quantities of enemy goods were still passing out through neutral countries, His Majesty's Government felt it necessary to fix a definite date after which such shipments must cease to enjoy the special immunity, theretofore granted, from liability to being placed in the Prize Court. It had been observed that a large increase had taken place in the number of vessels sailing from neutral countries to America and one of the principal lines of steamships advertised a daily in place of a weekly service. In such circumstances it appeared scarcely possible that goods of enemy origin, bought and paid for prior to the 1st March should not have already been shipped to their destination. First June was accordingly fixed as the date after which the privilege allowed in the case of such shipments should cease; but once more a special favour was granted by extending the date in exceptional cases to the 15th June.

"12. Importers in the United States having now had three months in which to clear off their purchases in enemy territory, His Majesty's Government trust that, in presence of the circumstances enumerated, the United States Government will acknowledge the great consideration which has been shown to American interests.

"13. Nevertheless a fresh appeal has now been made to His Majesty's Government that shipments of American owned goods of enemy origin, if paid for before the beginning of March, should be allowed to be shipped without molestation after the 15th June. The appeal is based principally upon the contentions [A] that insufficient time has already elapsed; [B] that no mention of a time limit is made in the enactment of the 11th March; [C] that the proofs of ownership required by His Majesty's Government are of an exacting nature and involve much time for preparation.

"14. The first contention [A] has already been dealt with. As regards [B] and [C], it is true that the enactment of the 11th March contains no mention of a time limit. But it seems to be overlooked that the time limit had been fixed only for the special immunity granted as an exception from that enactment. It was as a friendly concession to American interests that His Majesty's Government agreed to an investigation of claims outside the Prize Court. As for the exacting nature of the proofs required by His Majesty's Government, experience has shown that such proofs were necessary.

"15. In deference, however, to the renewed representations of the

United States Ambassador, His Majesty's Government have given further directions that in all such cases, as may have been specially submitted through the British Embassy at Washington or to His Majesty's Government direct on or before the 15th June and passed, the goods shall be allowed to proceed without interference, if shipped from a neutral port on the conditions already laid down, notwithstanding the fact that shipment may not have been made before the 15th June.

"16. His Majesty's Government will also be prepared hereafter to give special consideration to cases presented to them and involving particular hardships, if the goods concerned are required for neutral Governments or municipalities, or in respect of works of public utility, and where payment can be shown to have been made before the 1st March, 1915.

"17. With the above exceptions, His Majesty's Government regret they can not continue to deal through the diplomatic channel with individual cases, but they would again point out that special provision is made for the consideration of such cases in the Prize Court.

"18. Complaints have not infrequently been made that undue delay occurs in dealing with American cargoes in the Prize Court. An interesting comment on this subject was made by the president of the Prize Court in the case of the cargo ex steamship *Ogechee* on the 14th instant. His lordship, according to the transcript from the official shorthand writer's notes, made the following observations:

It is a very extraordinary thing that, when the Crown are ready to go on, the claimants come here and say, 'We can not proceed for six weeks.' Some day, towards the end of last term, I had a row of eminent counsel in front pressing me to fix a case at once. I fixed it very nearly at once—that is to say, the second day of the following term. They all came and said: 'We want an adjournment for six weeks.'

"19. The solicitor general hereupon remarked:

'If I might say so on that one of the reasons I applied to-day on behalf of the Crown that the matter should be dealt with as soon as possible is for that very reason. There has been such a strong desire on the part of America and American citizens that there should be no delay, but one finds, in fact, the delay comes from there.'

"20. The president then stated:

'I know that. I do not know what the explanation is, but I am anxious that there should be no delay.'

"21. It is true that a number of cases, principally relating to cargoes which, though ostensibly consigned to a person in a neutral country, are in reality believed to be destined for the enemy, have been pending in the Prize Court for some time. The United States Government are aware that most of these cargoes consist of meat and lard, and that much of the delay in bringing these cargoes to adjudication was due to the fact that negotiations were being carried on for many weeks with a representative of the principal American meat packers, for an amicable settlement out of court. When at length, owing to the failure of the negotiations, His Majesty's Government decided that they would continue the Prize Court proceedings, and had at the request of the claimants fixed the earliest possible date for the hearing, counsel for the latter asked for an adjournment in their interests despite the fact that the Crown was, by his own admission, ready to proceed.

"22. His Majesty's Government are earnestly desirous of removing all causes of avoidable delay in dealing with American cargoes and vessels which may be detained, and any specific inquiries or representations which may be made by the United States Government in regard to particular

cases will always receive the most careful consideration and all information which can be afforded without prejudice to Prize Court proceedings will be readily communicated; but they can scarcely admit that on the basis of actual facts, any substantial grievance on the part of American citizens is justified or can be sustained, and they therefore confidently appeal to the opinion of the United States Government as enlightened by this memorandum."

PAGE.

The Secretary of State to Ambassador W. H. Page

[Telegram.]

No. 1848.]

DEPARTMENT OF STATE,
Washington, July 14, 1915.

In view of differences which are understood to exist between the two Governments as to the principles of law applicable in prize court proceedings in cases involving American interests, and in order to avoid any misunderstanding as to the attitude of the United States in regard to such proceedings, you are instructed to inform the British Government that in so far as the interests of American citizens are concerned the Government of the United States will insist upon their rights under the principles and rules of international law as hitherto established, governing neutral trade in time of war, without limitation or impairment by Orders in Council or other municipal legislation by the British Government, and will not recognize the validity of prize court proceedings taken under restraints imposed by British municipal law in derogation of the rights of American citizens under international law.

The Secretary of State to Ambassador W. H. Page

[Telegram.]

No. 1852.]

DEPARTMENT OF STATE,
Washington, July 15, 1915.

Ambassador Page is informed that it has been brought to the attention of the Department that the steamship *Neches*, of American register, sailing from Rotterdam for the United States, carrying a general cargo, after being detained at the Downs, was brought to London, where it was required by the British authorities to discharge cargo, the property of American citizens.

It appears that the ground advanced to sustain this action is that the goods originated, in part at least, in Belgium, and fall, therefore, within the provisions of paragraph 4 of the Order in Council of March 11, which stipulates that every merchant vessel sailing from a port other than a German port, carrying goods of enemy origin, may be required to discharge such goods in a British or allied port.

Ambassador Page is instructed in this case to reiterate the position of the Government of the United States as set forth in the Department's instruction of March 30, 1915, with respect to the Order in Council mentioned, the international invalidity of which the Government of the United States regards as plainly illustrated by the present instance of the seizure of American-owned goods passing from the neutral port of Rotterdam to a neutral port of the United States merely because the goods came originally from territory in the possession of an enemy of Great Britain.

Mr. Page is also instructed to inform the Foreign Office that the legality of this seizure can not be admitted and that in the view of the Government of the United States it violates the right of the citizens of one neutral to trade with those of another, as well as with those of belligerents except in contraband, or in violation of a legal blockade of an enemy seaport; and

that the rights of American owners of goods to bring them out of Holland, in due course, in neutral ships must be insisted upon by the United States, even though such goods may have come originally from the territories of enemies of Great Britain. He is directed further to insist upon the desire of this Government that goods taken from the *Neches*, which are the property of American citizens, should be expeditiously released to be forwarded to their destination, and to request that he be advised of the British Government's intended course in this matter at the earliest moment convenient to that Government.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 2225.]

AMERICAN EMBASSY,
London, July 24, 1915.

Following note, dated July 23, received from Sir Edward Grey this morning:

"On the 2d April Your Excellency handed to me a copy of a communication containing the criticisms of the United States Government on the measures we have been constrained to take on account of the menace to peaceful commerce resulting from the German submarine policy. This communication has received the most careful consideration of His Majesty's Government.

"2. I fully appreciate the friendly spirit and the candour which are shown in the communication and, replying in the same spirit, I trust that I may be able to convince Your Excellency and also the administration at Washington that the measures we have announced are not only reasonable and necessary in themselves, but constitute no more than an adaptation of the old principles of blockade to the peculiar circumstances with which we are confronted.

"3. I need scarcely dwell on the obligation incumbent upon the allies to take every step in their power to overcome their common enemy in view of the shocking violation of the recognized rules and principles of civilized warfare of which he has been guilty during the present struggle. Your Excellency's attention has already been drawn to some of these proceedings in the memorandum which I handed to you on the 19th February. Since that time Lord Bryce's report, based on evidence carefully sifted by legal experts, describing the atrocities committed in Belgium, the poisoning of wells in German Southwest Africa, the use of poisonous gases against the troops in Flanders, and finally the sinking of the *Lusitania* without any opportunity to passengers and noncombatants to save their lives, have shown how indispensable it is that we should leave unused no justifiable method of defending ourselves.

"4. Your Excellency will remember that in my notes of the 13th and 15th March I explained that the allied Governments intended to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves intercepting goods going to or from Germany. I read the communication from Your Excellency's Government not as questioning the necessity for our taking all the steps open to us to cripple the enemy's trade, but as directed solely to the question of the legitimacy of the particular measures adopted.

"5. In the various notes which I have received from Your Excellency the right of a belligerent to establish a blockade of the enemy ports is admitted a right which has obviously no value save in so far as it gives power to a belligerent to cut off the sea-borne exports and imports of his enemy. The contention which I understand the United States Government now put forward is that if a belligerent is so circumstanced that his

commerce can pass through adjacent neutral ports as easily as through ports in his own territory, his opponent has no right to interfere and must restrict his measures of blockade in such a manner as to leave such avenues of commerce still open to his adversary. This is a contention which His Majesty's Government feel unable to accept and which seems to them unsustainable either in point of law or upon principles of international equity. They are unable to admit that a belligerent violates any fundamental principle of international law by applying a blockade in such a way as to cut off the enemy's commerce with foreign countries through neutral ports if the circumstances render such an application of the principles of blockade the only means of making it effective. The Government of the United States indeed intimates its readiness to take into account 'the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated,' and recognizes that 'the form of close blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in the face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and aircraft.'

"6. The only question then which can arise in regard to the measures resorted to for the purpose of carrying out a blockade upon these extended lines is whether to use Your Excellency's words, they 'conform to the spirit and principles of the essence of the rules of war'; and we shall be content to apply this test to the action which we have taken in so far as it has necessitated interference with neutral commerce.

"7. It may be noted in this connection that at the time of the Civil War the United States found themselves under the necessity of declaring a blockade of some 3,000 miles of coast line, a military operation for which the number of vessels available was at first very small. It was vital to the cause of the United States in that great struggle that they should be able to cut off the trade of the Southern States. The Confederate Armies were dependent on supplies from over seas, and those supplies could not be obtained without exporting the cotton wherewith to pay for them. To cut off this trade the United States could only rely upon a blockade. The difficulties confronting the Federal Government were in part due to the fact that neighbouring neutral territory afforded convenient centres from which contraband could be introduced into the territory of their enemies and from which blockade running could be facilitated. Your Excellency will no doubt remember how, in order to meet this new difficulty, the old principles relating to contraband and blockade were developed and the doctrine of continuous voyage was applied and enforced under which goods destined for the enemy territory were intercepted before they reached the neutral ports from which they were to be reexported.

"8. The difficulties which imposed upon the United States the necessity of reshaping some of the old rules are somewhat akin to those with which the allies are now faced in dealing with the trade of their enemy. Adjacent to Germany are various neutral countries which afford her convenient opportunities for carrying on her trade with foreign countries. Her own territories are covered by a network of railways and waterways, which enable her commerce to pass as conveniently through ports in such neutral countries as through her own. A blockade limited to enemy ports would leave open routes by which every kind of German commerce could pass almost as easily as through the ports in her own territory. Rotterdam is indeed the nearest outlet for some of the industrial districts of Germany.

"9. As a counterpoise to the freedom with which one belligerent may send his commerce across a neutral country without compromising its neutrality, the other belligerent may fairly claim to intercept such commerce before it has reached, or after it has left, the neutral State, provided,

of course, that he can establish that the commerce with which he interferes is the commerce of his enemy and not commerce which is bona fide destined for or proceeding from the neutral State. It seems, accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.

"10. To the contention that such action is not directly supported by written authority, it may be replied that it is the business of writers on international law to formulate existing rules rather than to offer suggestions for their adaptation to altered circumstances, and Your Excellency will remember the unmeasured terms in which a group of prominent international lawyers of all nations condemned the doctrine which had been laid down by the Supreme Court of the United States in the case of the *Springbok*, a doctrine upheld by the Claims Commission at Washington in 1873. But the United States and the British Governments took a broader view and looked below the surface at the underlying principles, and the Government of this country, whose nationals were the sufferers by the extension and development of the old methods of blockade made by the United States during the Civil War, abstained from all protest against the decisions by which the ships and their cargoes were condemned.

"11. What is really important in the general interest is that adaptations of the old rules should not be made unless they are consistent with the general principles upon which an admitted belligerent right is based. It is also essential that all unnecessary injury to neutrals should be avoided. With these conditions it may be safely affirmed that the steps we are taking to intercept commodities on their way to and from Germany fully comply. We are interfering with no goods with which we should not be entitled to interfere by blockade if the geographical position and the conditions of Germany at present were such that her commerce passed through her own ports. We are taking the utmost possible care not to interfere with commerce genuinely destined for or proceeding from neutral countries. Furthermore, we have tempered the severity with which our measures might press upon neutrals by not applying the rule which was invariable in the old form of blockade that ships and goods on their way to or from the blockaded area are liable to condemnation.

"12. The communication made by the United States Embassy on the 2d April describes as a novel and quite unprecedented feature of the blockade that it embraces many neutral ports and coasts and has the effect of barring access to them. It does not appear that our measures can be properly so described. If we are successful in the efforts we are making to distinguish between the commerce of neutral and enemy countries there will be no substantial interference with the trade of neutral ports except in so far as they constitute ports of access to and exit from the enemy territory. There are at this moment many neutral ports which it would be mere affectation to regard as offering facilities only for the commerce of the neutral country in which they are situated, and the only commerce with which we propose to interfere is that of the enemy who seeks to make use of such ports for the purposes of transit to or from his own country.

"13. One of the earlier passages in Your Excellency's memorandum was to the effect that the sovereignty of neutral nations in time of war suffers no diminution except in so far as the practice and consent of civilized nations has limited it 'by the recognition of certain now clearly determined rights,' which it is considered may be exercised by nations at war; and these it defines as the right of capture and condemnation for un-neutral service for the carriage of contraband and for breach of blockade. I may, however, be permitted to point out that the practice of nations on

each of the three subjects mentioned has not at any time been uniform or clearly determined, nor has the practice of any maritime nation always been consistent.

"14. There are various particulars in which the exact method of carrying a blockade into effect has from time to time varied. The need of a public notification, the requisite standard of effectiveness, the locality of the blockading squadrons, the right of the individual ship to a preliminary warning that the blockade is in force, and the penalty to be inflicted on a captured blockade runner are all subjects on which different views have prevailed in different countries and in which the practice of particular countries has been altered from time to time. The one principle which is fundamental and has obtained universal recognition is that by means of blockade a belligerent is entitled to cut off by effective means the sea-borne commerce of his enemy.

"15. It is the same with contraband. The underlying principle is well established, but as to the details there has been a wide variety of view. As for unneutral service—the very term is of such recent introduction that many writers of repute on international law do not even mention it. It is impossible in the view of His Majesty's Government in these circumstances to maintain that the right of a belligerent to intercept the commerce of his enemy is limited in the way suggested in Your Excellency's communication.

"16. There are certain subsidiary matters dealt with in Your Excellency's communication to which I think it well to refer. Amongst these may be mentioned your citation of the Declaration of Paris, due no doubt to the words which occur in the memorandum sent by me to Your Excellency on the 1st March, wherein it was stated that the allied Governments would hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin, and to our announcement that vessels might be required to discharge goods of enemy ownership as well as those of enemy origin or destination.

"17. It is not necessary to discuss the extent to which the second rule of the Declaration of Paris is affected by these measures or whether it could be held to apply at all as between Great Britain and the United States. In actual practice, however, we are not detaining goods on the sole ground that they are the property of an enemy. The purpose of the measures we are taking is to intercept commerce on its way from and to the enemy country. There are many cases in which proof that the goods were enemy property would afford strong evidence that they were of enemy origin or enemy destination, and it is only in such cases that we are detaining them. Where proof of enemy ownership would afford no evidence of such origin or destination we are not in practice detaining the goods.

"18. His Majesty's Government have been gratified to observe that the measures which they are enforcing have had no detrimental effect on the commerce of the United States. Figures of recent months show that the increased opportunities afforded by the war for American commerce have more than compensated for the loss of the German and Austrian markets.

"19. I trust that in the light of the above explanations it will be realized that the measures to which we have resorted have been not only justified by the exigencies of the case, but can be defended as in accordance with general principles which have commended themselves to the Governments of both countries. I am glad to be able to assure Your Excellency that we shall continue to apply these measures with every desire to occasion the least possible amount of inconvenience to persons engaged in legitimate commerce.

"I have, etc.,

"E. GREY."
PAGE.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 2573.]

AMERICAN EMBASSY,
London, July 31, 1915.

Your 1852, 15th.

Sir Edward Grey has to-day sent me the following note:

"The note which Your Excellency addressed to me on the 17th instant respecting the detention of the cargo of the steamship *Neches* has, I need hardly say, received the careful attention of His Majesty's Government.

"The note which I had the honour to send to Your Excellency on the 23d instant has already explained the view of His Majesty's Government on the legal aspect of the question though it was prepared before Your Excellency's communication of the 17th had been received, and pending consideration by the Government of the United States of the views and arguments set forth in the British note of the 23d it is unnecessary for me to say more on the question of right or of law.

"There is, however, one general observation that seems relevant to the note from Your Excellency respecting the cargo of the *Neches*.

"It is the practice of the German Government in the waters through which the *Neches* was passing to sink neutral as well as British merchant vessels irrespective of the destination of the vessel or origin of the cargo, and without proper regard or provision for the safety of passengers or crews, many of whom have lost their lives in consequence. There can be no question that this action is contrary to the recognized and settled rules of international law as well as to the principles of humanity.

"His Majesty's Government, on the other hand, have adhered to the rules of visit and search, and have observed the obligation to bring into port and submit to a prize court any ships or cargoes with regard to which they think they have a good case for detention or for condemnation as contraband.

"His Majesty's Government are not aware, except from the published correspondence between the United States and Germany, to what extent reparation has been claimed from Germany by neutrals for loss of ships, lives, and cargoes, nor how far these acts have been the subject even of protest by the neutral Governments concerned.

"While these acts of the German Government continue it seems neither reasonable nor just that His Majesty's Government should be pressed to abandon the rights claimed in the British note of the 23d, and to allow goods from Germany to pass freely through waters effectively patrolled by British ships of war.

"If, however, it be alleged that in particular cases and special circumstances hardship may be inflicted on citizens of neutral countries, His Majesty's Government are ready in such cases to examine the facts in a spirit of consideration for the interest of neutrals, and in this spirit they are prepared to deal with the cargo of the *Neches*, to which Your Excellency has called attention, if it is held that the particular circumstances of this case fall within this category."

• PAGE.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 2575.]

AMERICAN EMBASSY,
London, July 31, 1915.

Your 1848, July 14, 5 p. m. I have to-day received the following note from Sir Edward Grey:

"FOREIGN OFFICE, July 31, 1915.

"YOUR EXCELLENCY:

"1. I have the honour to acknowledge the receipt of the note dated the 16th instant in which you were good enough to communicate to me for

the information of His Majesty's Government, the opinion held by the Government of the United States, that in view of differences which they understand to exist between the two countries as to the principles of law applicable in cases before the prize court, they could not recognize the validity of proceedings taken in His Majesty's prize court in derogation of the rights of citizens of the United States.

"2. I do not understand to what divergence of views as to the principles of law applicable in cases before the prize court the Government of the United States refer, for I am not aware of any differences existing between the two countries as to the principles of law applicable in cases before such courts.

"3. British prize courts 'According to the ancient form of commission under which they sit, are to determine cases which come before them according to the course of admiralty and the law of nations and the statutes, rules, and regulations for the time being in force in that behalf.' As to the principles applied by the American prize courts, I note that in the case of the *Amy Warwick* (2 Sprague, 123), it was held that prize courts are subject to the instructions of their own sovereign. In the absence of such instructions their jurisdiction and rules of decision are to be ascertained by reference to the known powers of such tribunals and the principles by which they are governed under the public law and the practice of nations. It would appear, therefore, that the principles applied by the prize courts of the two countries are identical.

"4. As illustrating further the attitude adopted by the judges of British prize courts toward these two sources of law, the municipal legislation of its Sovereign on the one hand and the principles of International Law on the other, I should like to refer Your Excellency to a classical passage in the judgment of Lord Stowell, in the case of the *Fox*, in which that famous judge observed in the course of the discussion: 'A question has been stated, what would be the duty of the court under Orders in Council, that were repugnant to the Law of Nations? It has been contended on one side that the court would at all events be found to enforce the Orders in Council, on the other that the court would be bound to apply the rule of the law of nations adapted to the particular case, in disregard of the Orders in Council. This court is bound to administer the law of nations to the subjects of other countries in the different relations in which they may be placed toward this country and its Government. That is what others have a right to demand for their subjects and to complain if they receive it not. This is its unwritten law evidenced in the course of its decisions and collected from the common usage of civilized states. At the same time it is strictly true, that by the Constitution of this country, the King in Council possesses legislative rights over this court, and has power to issue orders and instructions which it is bound to obey and enforce; and these constitute the written law of this court. These two propositions, that the court is bound to administer the law of nations, and that it is bound to enforce the King's Orders in Council, are not at all inconsistent with each other, because these orders and instructions are presumed to conform themselves, under the given circumstances, to the principles of its unwritten law. They are either directory applications of those principles to the cases indicated in them—cases which, with all the facts and circumstances belonging to them, and which constitute their legal character could be but imperfectly known to the court itself; or they are positive regulations, consistent with these principles, applying to matters which require more exact and definite rules than those general principles are capable of furnishing. The constitution of this court, relatively to the legislative power of the King in Council, is analogous to that of the courts of common law relatively to that of the Parliament of this Kingdom. These courts have their unwritten law, the approved reasons, principles of

natural reason and justice—they have likewise the written or statute law in acts of Parliament, which are directory applications of the same principles to particular subjects, or positive regulations consistent with them, upon matters which would remain too much at large if they were left to the imperfect information which the courts could extract from mere general speculations. What would be the duty of the individuals who preside in these courts, if required to enforce an act of Parliament which contradicted those principles, is a question which I presume they would not entertain *a priori*; because they will not entertain, *a priori*, the supposition that any such will arise. In like manner this court will not let itself loose into speculations as to what would be its duty under such an emergency; because it can not, without extreme indecency, presume that any such emergency will happen. And it is the less disposed to entertain them, because its own observation and experience attest the general conformity of such orders and instructions to its principles of unwritten law.'

"5. The above passage has recently been quoted and adopted by the president of the prize court in the case of the *Zamora*, in which Sir S. Evans said: 'I make bold to express the hope and belief that the nations of the world need not be apprehensive that Orders in Council will emanate from the Government of this country in such violation of the acknowledged laws of nations that it is conceivable that our prize tribunals, holding the law of nations in reverence, would feel called upon to disregard and refuse obedience to the provisions of such orders.'

"6. In the note which I handed to Your Excellency on the 23d July, I endeavored to convince the Government of the United States, and I trust with success, that the measures that we have felt ourselves compelled to adopt, in consequence of the numerous acts committed by our enemies in violation of the laws of war and the dictates of humanity, are consistent with the principles of international law. The legality of these measures has not yet formed the subject of a decision of the prize court; but I wish to take this opportunity of reminding Your Excellency that it is open to any United States citizen whose claim is before the prize court to contend that any Order in Council which may affect his claim is inconsistent with the principles of international law and is, therefore, not binding upon the court. If the prize court declines to accept his contentions, and if, after such a decision has been upheld on appeal by the Judicial Committee of His Majesty's Privy Council, the Government of the United States of America consider that there is serious ground for holding that the decision is incorrect and infringes the rights of their citizens, it is open to them to claim that it should be subjected to review by an international tribunal.

"7. This principle that the decisions of the national prize courts may properly be subjected to international review was conceded by Great Britain in Article 7 of the Jay Treaty of 1793 and by the United States of America under the Treaty of Washington of 1871. Your Excellency will no doubt remember that certain cases (collectively known as the 'Mata-moros cases') were submitted to the commission established under Articles 12-17 of the Treaty of Washington. In each of these cases proceedings in prize had been instituted in the prize courts of the United States, and in each case the judgment of the Supreme Court, the court of last resort, in cases of prize had been obtained, the United States filed a demurrer in these cases, alleging that as they had been heard by the prize courts of the United States of original and appellate jurisdiction, the decision of the appellate court was final and no claim based upon it could be made before the commission. The demurrer was unanimously overruled and the cases heard, and the agent of the United States, in his report of the proceedings of the commission, stated that he personally 'maintained no doubt of the jurisdiction of the commission as an international tribunal to review the decisions of the prize courts of the United States, where the parties alleging

themselves aggrieved had prosecuted their claims by appeals to the court of last resort, as this jurisdiction, however, had been sometimes questioned, he deemed it desirable that a formal adjudication by the commission should be had upon this question.'

"8. The same principle was accepted both by the United States Government and His Majesty's Government in 1907 in connection with the proposed establishment of an international prize court, although certain constitutional difficulties have led the United States Government to propose that the right of recourse to the international prize court in connection with a decision of the Supreme Court of the United States should take the form of a direct claim for compensation.

"9. It is clear, therefore, that both the United States Government and His Majesty's Government have adopted the principle that the decisions of a national prize court may be open to review if it is held in the prize court and in the Judicial Committee of the Privy Council on appeal that the orders and instructions issued by His Majesty's Government in matters relating to prize are in harmony with the principles of international law; and should the Government of the United States, unfortunately, feel compelled to maintain a contrary view, His Majesty's Government will be prepared to concert with the United States Government in order to decide upon the best way of applying the above principle to the situation which would then have arisen. I trust, however, that the defence of our action, which I have already communicated to Your Excellency, and the willingness of His Majesty's Government (which has been shown in so many instances) to make reasonable concessions to American interests, will prevent the necessity for such action arising.

"10. In any case, I trust that the explanations given above will remove the misapprehension under which I can not but feel the Government of the United States are labouring as to the principles applied by British prize courts in dealing with the cases which come before them.

"I have, etc.,

"E. GREY."

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IV.

CASE OF THE WILHELMINA.

The Secretary of State to Ambassador W. H. Page

[Telegram.]

No. 1134.]

DEPARTMENT OF STATE,
Washington, February 15, 1915.

The department notes that you have been informed by the British Government that the cargo of the American steamer *Wilhelmina* has been sent to prize court, but is not yet unloaded. The Government of the United States, of course, has no intention of interfering with the proper course of judicial procedure in the British prize courts, but deems it proper to bring to the attention of the British Government information which has been received in relation to the character and destination of the cargo and to point out certain considerations prompting the supposition that the seizure may not be justified.

This Government is informed that the W. L. Green Commission Company, an American corporation organized in 1891, which in the past has made extensive shipments of goods to Germany, is the sole owner of the cargo which consists entirely of foodstuffs consigned to the W. L. Green Commission Company, Hamburg, and that the Company's manager, now

in Europe, has instructions to sell the cargo solely to the civilian population of Hamburg. A copy of the ship's manifest has been submitted to this Government, accompanied by a sworn statement from the Company's manager in which he represents that he was instructed to proceed to Germany to dispose of the cargo to private purchasers in that country, and not to any belligerent government nor armed forces of such government, nor to any agent of a belligerent government or of its armed forces.

According to well-established practice among nations, admitted, as this Government understands by the Government of Great Britain, the articles of which the *Wilhelmina's* cargo is said to consist, are subject to seizure as contraband only in case they are destined for the use of a belligerent government or its armed forces. The Government of the United States understands that the British authorities consider the seizure of the cargo justified on the ground that a recent order of the Federal Council of Germany, promulgated after the vessel sailed, required the delivery of imported articles to the German Government. The owners of the cargo have represented to this Government that such a position is untenable. They point out that, by a provision of the order in question as originally announced, the regulations in relation to the seizure of food products are made inapplicable to such products imported after January thirty-one, nineteen fifteen. They further represent that the only articles shipped on the *Wilhelmina* which are embraced within the terms of these regulations are wheat and bran, which constitute about fifteen per centum of the cargo as compared with eighty-five per centum consisting of meats, vegetables, and fruits. The owners also assert that the regulations contemplate the disposition of foodstuffs to individuals through municipalities; that municipalities are not agents of the Government, and that the purpose of the regulations is to conserve the supply of food products and to prevent speculation and inflation of prices to noncombatants.

The German Government has addressed a formal communication to the Government of the United States in relation to the effect of the decree issued by the German Federal Council, and this Government deems it pertinent to call to the attention of the British Government a material portion of this communication, which is as follows:

"1. The Federal Council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on wheat, rye, both unmixed and mixed with other products, and also wheat, rye, oats, and barley flour.

"2. The Federal Council makes an express exception in section forty-five of the order. Section forty-five provides as follows: The stipulations of this regulation do not apply to grain or flour imported from abroad after January thirty-one.

"3. Conjointly with that saving clause the Federal Council's order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flours into such channels as supply the private consumption of civilians and, in consequence of that provision, the intent and purpose of the Federal Council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

"4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American Consular officers and, if necessary, will itself make a proposition in that direction.

"5. The German Government further calls attention to the fact that

municipalities do not form part of or belong to the Government but are self administrative bodies, which are elected by the inhabitants of the Commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desire to point out the fact so as to avoid any further unnecessary delay.

"6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively."

It will be observed that it is stated in this communication, which appears to confirm the contentions of the cargo owners, that a part of the order of the German Federal Council relating to imported food products has now been rescinded.

This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the United States directly or indirectly, which belong to the class of relative contraband, such as foodstuffs, will not be used by the German army or navy or by Government authorities, but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

If the British authorities have not in their possession evidence, other than that presented to this Government as to the character and destination of the cargo of the *Wilhelmina*, sufficient to warrant the seizure of this cargo, the Government of the United States hopes that the British Government will release the vessel together with her cargo and allow her to proceed to her port of destination.

Please communicate with the British Government in the sense of the foregoing.

BRYAN.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 1672.]

AMERICAN EMBASSY,
London, February 19, 1915.

Sir Edward Grey has just handed me the following memorandum. Since your telegram to him was given to the press in Washington I consented to his proposal to give this memorandum out for publication in Saturday morning's newspapers:

MEMORANDUM

The communication made by the United States Ambassador in his note to Sir Edward Grey of the sixteenth instant has been carefully considered and the following observations are offered in reply:—

2. At the time when His Majesty's Government gave directions for the seizure of the cargo of the steamship *Wilhelmina* as contraband they had before them the text of the decree made by the German Federal Council on the twenty-fifth January, under Article forty-five of which all grain and flour imported into Germany after the thirty-first January was declared deliverable only to certain organizations under direct government control or to municipal authorities. The vessel was bound for Hamburg, one of the free cities of the German Empire, the government of which is vested in the municipality. This was one of the reasons actuating His Majesty's Government in deciding to bring the cargo of the *Wilhelmina* before the prize court.

3. Information has only now reached them that by a subsequent decree, dated the sixth February, the above provision in Article forty-five

of the previous decree was repealed, it would appear for the express purpose of rendering difficult the anticipated proceedings against the *Wilhelmina*. The repeal was not known to His Majesty's Government at the time of detention of the cargo, or indeed, until now.

4. How far the ostensible exception of imported supplies from the general Government monopoly of all grain and flour set up by the German Government may affect the question of the contraband nature of the shipment seized is a matter which will most suitably be investigated by the prize court.

5. It is, however, necessary to state that the German decree is not the only ground on which the submission of the cargo of the *Wilhelmina* to a prize court is justified. The German Government have in public announcements claimed to treat practically every town or port on the English east coast as a fortified place and base of operations. On the strength of this contention they have subjected to bombardment the open towns of Yarmouth, Scarborough, and Whitby, among others. On the same ground, a number of neutral vessels sailing for English ports on the east coast with cargoes of goods on the German list of conditional contraband have been seized by German cruisers and brought before the German prize court. Again, the Dutch vessel *Maria*, having sailed from California with a cargo of grain consigned to Dublin and Belfast, was sunk in September last by the German cruiser *Karlsruhe*. This could only have been justified if, among other things, the cargo could have been proved to be destined for the British Government or armed forces and if a presumption to this effect had been established owing to Dublin or Belfast being considered a fortified place or a base for the armed forces.

6. The German Government can not have it both ways. If they consider themselves justified in destroying by bombardment the lives and property of peaceful civil inhabitants of English open towns and watering places, and in seizing and sinking ships and cargoes of conditional contraband on the way thither, on the ground that they were consigned to a fortified place or base, "a fortiori" His Majesty's Government must be at liberty to treat Hamburg, which is in part protected by the fortifications at the mouth of the Elbe, as a fortified town, and a base of operations and supply for the purposes of Article thirty-four of the Declaration of London. If the owners of the cargo of the *Wilhelmina* desire to question the validity in international law of the action taken by order of His Majesty's Government they will have every opportunity of establishing their case in due course before the prize court, and His Majesty's Government would, in this connection, recall the attention of the United States Government to the considerations put forward in Sir Edward Grey's note to Mr. Page of the tenth instant as to the propriety of awaiting the result of prize court proceedings before diplomatic action is initiated. It will be remembered that they have from the outset given a definite assurance that the owners of the *Wilhelmina*, as well as the owners of her cargo, if found to be contraband, would be equitably indemnified.

7. There is one further observation to which His Majesty's Government think it right, and appropriate in the present connection, to give expression. They have not, so far, declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or governments. In so acting they have been guided by the general principle, of late universally upheld by civilized nations, and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants. This distinction has to all intents and purposes been swept away by the novel doctrines proclaimed and acted upon by the German Government.

8. It is unnecessary here to dwell upon the treatment that has been meted out to the civil population of Belgium, and those parts of France which are in German occupation. When Germany, long before any mines had been laid by British authorities, proceeded to sow mines upon the high seas, and, by this means, sunk a considerable number not only of British but also of neutral merchantmen with their unoffending crews, it was, so His Majesty's Government held, open to them to take retaliatory measures, even if such measures were of a kind to involve pressure of the civil population—not indeed of neutral states—but of their enemies. They refrained from doing so.

9. When, subsequently, English towns and defenseless British subjects, including women and children, were deliberately and systematically fired upon, and killed by ships flying the flag of the Imperial German Navy, when quiet country towns and villages, void of defenses, and possessing no military or naval importance, were bombarded by German airships, His Majesty's Government still abstained from drawing the logical consequences from this form of attack on defenseless citizens. Further steps in the same direction are now announced, and in fact have already been taken, by Germany. British merchant vessels have been torpedoed at sight without any attempt being made to give warning to the crew, or any opportunity being given to save their lives, a torpedo has been fired against a British hospital ship in daylight, and similar treatment is threatened to all British merchant vessels in future as well as to any neutral ships that may happen to be found in the neighborhood of the British Isles.

10. Faced with this situation, His Majesty's Government consider it would be altogether unreasonable that Great Britain and her allies should be expected to remain indefinitely bound, to their grave detriment, by rules and principles of which they recognize the justice if impartially observed as between belligerents, but which are at the present moment openly set at defiance by their enemy.

11. If, therefore, His Majesty's Government should hereafter feel constrained to declare foodstuffs absolute contraband, or to take other measures for interfering with German trade, by way of reprisals, they confidently expect that such action will not be challenged on the part of neutral states by appeals to laws and usages of war whose validity rests on their forming an integral part of that system of international doctrine which as a whole their enemy frankly boasts the liberty and intention to disregard, so long as such neutral states can not compel the German Government to abandon methods of warfare which have not in recent history been regarded as having the sanction of either law or humanity.

PAGE.

Ambassador W. H. Page to the Secretary of State

[Telegram.]

No. 1903.]

AMERICAN EMBASSY,
London, April 8, 1915.

The Prime Minister has just handed me the following, which I have communicated to Hayes and Brooking, who strongly recommend its acceptance by their principals:

"His Majesty's Government share the desire of the United States Government for an immediate settlement of the case of the *Wilhelmina*. This American ship laden with foodstuffs left New York for Hamburg on January 22nd. She called at Falmouth of her own accord on February 9th and her cargo was detained as prize on February 11th. The writ instituting prize court proceedings was issued on February 27th, and claimed that the cargo should be condemned as contraband of war. No

proceedings were taken or even threatened against the ship herself, and in the ordinary course the cargo would have been unloaded when seized so that the ship would be free to leave. The owners of the cargo, however, have throughout objected to the discharge of the cargo and it is because of this objection that the ship is still at Falmouth with the cargo on board.

"His Majesty's Government have formally undertaken that even should the condemnation of the cargo as contraband be secured in the prize court they would none the less compensate the owners for any loss sustained in consequence of the ship having been stopped and proceedings taken against the cargo.

"It was understood at the time that the proceedings in the prize court would be in the nature of a test case, the decision in which would govern the treatment of any subsequent shipments of food supplies to Germany in similar circumstances. Since then the situation has, however, materially changed by the issue of the Order in Council of March 11, 1915, and the measures taken thereunder which prevent further supplies being sent from America to Germany, whether contraband or not.

"In these circumstances there is no longer any object in continuing the judicial proceedings in the case of the *Wilhelmina*; for it can no longer serve as a test case, and it is really agreed that the owners of the cargo, even if proved to have no claim, are to be treated as if their claim was good. Nothing therefore remains but to settle the claim on proper and just conditions, and this would, in the opinion of His Majesty's Government, be secured most expeditiously and with the least inconvenience to all parties by an agreement between the Crown and the claimants for the disposal of the whole matter. His Majesty's Government accordingly propose that such an agreement be arrived at on the following terms: 'His Majesty's Government having undertaken to compensate the claimants by paying for the cargo seized on the basis of the loss of the profit the claimants would have made if the ship had proceeded in due course to Hamburg, and by indemnifying them for the delay caused to the ship so far as this delay has been due to the action of the British authorities, all proceedings in the prize court shall be stayed, on the understanding that His Majesty's Government buy the cargo from the claimants on the above terms. The cargo shall be discharged and delivered to the proper officer of the Crown forthwith. The sum to be paid shall be assessed by a single referee nominated jointly by the ambassador of the United States of America and His Majesty's principal secretary of state for foreign affairs, who shall certify the total amount after making such inquiries as he may think fit, but without formal hearing or arbitration.' His Majesty's Government would be grateful if the United States ambassador would inform the claimants of the above proposal at his early convenience and obtain their acceptance."

PAGE.

LIST OF PUBLICATIONS

Nos. 1-85 (April, 1907, to December, 1914). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

83. Official Documents Bearing upon the European War. Series I.
 - I. The Austro-Hungarian Note to Servia.
 - II. The Servian Reply.
 - III. The British White Paper.
 - IV. The German White Book. October, 1914.
84. Additional Official Documents Bearing upon the European War. Series II.
 - I. Speech of the Imperial Chancellor to Reichstag, August 4, 1914.
 - II. Speech of the Prime Minister to House of Commons, August 6, 1914.
 - III. The Russian Orange Book.
 - IV. The Original Texts of the Austrian Note of July 23, 1914, and the Servian Reply of July 25, 1914, with annotations. November, 1914.
85. Documents Regarding the European War. Series No. III.
 - I. The Neutrality of Belgium and Luxemburg.
 - II. Address of the President of the Council to the French Senate, August 4, 1914.
 - III. Official Japanese Documents.
 - IV. Addresses to the People by the Emperor of Germany. December, 1914.
86. Documents Regarding the European War. Series No. IV.
 - I. Turkish Official Documents. November, 1914.
 - II. Speech of the Imperial Chancellor to the Reichstag. December 2, 1914.
 - III. The Belgian Gray Book. (July 24, August 29, 1914.) January, 1915.
87. Documents Regarding the European War. Series No. V.

The French Yellow Book, Translated and Prepared for Parliament by the British Government. February, 1915.
88. Documents Regarding the European War. Series No. V.

The French Yellow Book, Translated and Prepared for Parliament by the British Government. March, 1915.
89. Documents Regarding the European War. Series No. VI.

The Austrian Red Book, Official Translation Prepared by the Austrian Government. April, 1915.
90. Documents Regarding the European War. Series No. VII.

The Serbian Blue Book. May, 1915.
91. The Fundamental Causes of the World War, by Alfred H. Fried. June, 1915.
92. To the Citizens of the Belligerent States, by G. Heymans. July, 1915.
93. Documents Regarding the European War. Series No. VIII.

Italy's Green Book, Translation approved by Royal Italian Embassy, Washington, D. C. August, 1915.
94. Documents Regarding the European War. Series No. IX.

Official Correspondence Between the United States and Germany.

 - I. Declaration of London, August 6, 1914—October 24, 1914.
 - II. Contraband of War, September 4, 1914—April 26, 1915.
 - III. Restraints of Commerce, February 6, 1915—September 7, 1915.
 - IV. Case of the William P. Frye, March 31, 1915—July 30, 1915. September, 1915.
95. Documents Regarding the European War. Series No. X.

Official Correspondence Between the United States and Great Britain.

 - I. Declaration of London, August 6, 1914—October 22, 1914.
 - II. Contraband of War, August 5, 1914—April 10, 1915.
 - III. Restraints of Commerce, December 26, 1914—July 31, 1915.
 - IV. Case of the Wilhelmina, February 15, 1915—April 8, 1915. October, 1915.

Special Bulletins:

- A Brief Outline of the Nature and Aims of Pacifism, by Alfred H. Fried. Translated by John Mez. April, 1915.
- Internationalism. A list of Current Periodicals selected and annotated by Frederick C. Hicks. May, 1915.
- Preparedness as the Cartoonists See It, with introduction by Charles E. Jefferson. May, 1915.
- Spirit of Militarism and Non-Military Preparation for Defense, by John Lovejoy Elliott and R. Tait McKenzie. June, 1915.
- Existing Alliances and a League of Peace, by John Bates Clark. July, 1915.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Postoffice Sub-station 84, New York, N. Y.

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OFFICIAL DOCUMENTS BEARING UPON THE EUROPEAN WAR, SERIES XI

- I. Secretary Bryan's Letter to Senator Stone regarding Charges
of Partiality shown to Great Britain, January 20, 1915.
- II. The Austro-Hungarian Minister for Foreign Affairs to
Ambassador Penfield, June 29, 1915.
- III. The Secretary of State to Ambassador Penfield,
August 12, 1915.



NOVEMBER, 1915

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American Association for International Conciliation
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1915

It is the aim of the Association for International Conciliation to awaken interest and to seek co-operation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

It is the aim of the Association to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found on pages 44 and 45.

REFERENDUM ON THE REPORT OF THE SPECIAL COMMITTEE ON ECONOMIC RESULTS OF THE WAR AND AMERICAN BUSINESS

*To the Board of Directors of the Chamber of Commerce of
the United States:*

BUSINESS MEN'S CONCERN

All Americans are profoundly moved by the war, whether viewed from its moral or material aspects. Especially is this true of American business men who, through their business relations, are closely in touch with the actual conditions in Europe. Moreover, the knowledge that war fundamentally injures the business structure and the trained power of the successful business men to accomplish results has created in them the will for more lasting peace.

EARLIEST MOVEMENT TOWARD SUBSTITUTION OF LAW FOR WAR

This will is not the creation of this war alone. United States business men had put such strength and efficiency into an International Chamber of Commerce that, in June, 1914, at Paris, the International Chamber of Commerce voted to submit a business question of international interest to a referendum, thus beginning the movement to develop a world-wide consensus of matured business opinion and to secure international agreement and legislation on disputed, wrongly settled, or unsettled commercial questions. As the membership reached in this interchange of views included the representatives of almost every business men's association in every important commercial country in the world, and as commerce and markets underlie many of the more talked of "causes of the war," it is clear that the business men of the United States were, before the present war, working in the right direction for more lasting peace.

HISTORICAL STATEMENT

ECONOMIC PRESSURE

At the last convention of the Chamber of Commerce of the United States, in Washington in January, 1915, a resolution was offered by a delegate,—the representative of the Advertising Clubs of America,—urging that the power of international commerce and finance, applied as economic pressure, be employed to compel nations to bring their differences before an international tribunal before going to war.

INTERNATIONAL TRIBUNAL

In 1907, at the Hague International Conference, forty-four of the civilized nations of the world agreed on the necessity of an international tribunal to deal with international differences.

ARBITRATION

In 1912 the International Congress of Chambers of Commerce, made up of delegates representing the principal organizations of business men of all the civilized countries of the world, voted unanimously in favor of arbitration for the settlement of international disputes.

In the spring of 1915 your committee was appointed by the Directors of the Chamber of Commerce of the United States to examine into the relations between the present war and business and submit suggestions as to the future.

CLEVELAND MEETING

Accordingly your committee has studied the question carefully and canvassed many of the best minds in the country and in Europe. Early in June of this year a large number of representative business men and leaders in professional life met in Cleveland in a World's Court Congress. Some of your committee attended this meeting. Its sentiment was unanimous in recognition of the need of developing more definite law in international relations. To that end it declared strongly in favor of an international tribunal, with the support of international police power.

DETERRENT EFFECT

It is the deterrent effect of organized non-intercourse which would make war less likely, since it would be a terrible penalty to incur and one more difficult in a sense to fight against than military measures. Further, its systematic organization would tend to make any subsequent military action by the co-operating nations more effective.

PHILADELPHIA MEETING

On June 17 your committee met in Philadelphia, concurrently with a meeting of distinguished Americans in Independence Hall, and participated as individuals in the meetings of the League to Enforce Peace. Here again the sentiment was overwhelming for the supremacy of law in the relations between nations, and the following resolutions were adopted:

First: All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitations of treaties, be submitted to a judicial tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

Second: All other questions arising between the signatories and not settled by negotiation shall be submitted to a Council of Conciliation for hearing, consideration and recommendation.

Third: The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

Fourth: Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

CONSENSUS OF OPINION

From a number of other countries come reports of similar meetings with similar expressions of opinions. Thus it be-

came evident to your committee that the best thought of the world was nearing agreement on what should be done better to safeguard the interests now subject to injury by war. This consensus of opinion was well expressed in a statement issued from a conservative source last June—one of our largest and most successful banks—which reads in part as follows :

"The occasion (of the sinking of the *Lusitania*) illustrates the want of the civilized world for a duly constituted authority for determining and defining international law under all the changing conditions of modern life and warfare. It may be that it is too much to hope for that in this or near generations war can be altogether prevented ; it may be that for a long time to come great racial and national impulses will occasionally break through all restraints that may be contrived and all agreements that individuals of passing authority may formulate, and insist upon fighting out matters of fundamental concern * * *. The United States has always stood, as a matter of principle, for the broadest possible interpretation of the rights of neutrals and non-combatants in time of war. This policy has been determined upon the theory that it is in the interest of civilization and for the good of mankind that the area of war operations shall be circumscribed as much as possible, and the rights of neutrals and non-combatants protected and enlarged. In time of peace this principle must command general approval, but in time of war, when nations are fighting, as they believe, for their existence, any change of conditions that may be held to affect the application of international law is seized upon by the combatants. The trouble then is that international law rests upon common consent, and there is not even a recognized authority to say what it is with relation to new conditions that arise. Private war, the settlement of property disputes by force, and of questions of honor by the duel, have been done away with by the creation of a body of law and the establishment of tribunals to try the causes that may arise. There is no humiliation or disgrace in submitting to the determination of a duly constituted court, even though the defeated party feels that justice in his case has not been done. The essential thing is that order shall be maintained and that rights shall be determined, not by the power of force, but by rules of equity impartially administered.

"In the international field there remains the risk that the parties to a dispute, jealous of their rights, fearful of the results of precedent, sensitive as to national honor, swayed

by the emotions or interests of the hour, may take positions from which retreat upon either side seems to be impossible, and so drift into war, although neither side desires it. The civilized world is supremely interested in the maintenance of order; the first condition of this is good understanding, and nothing will contribute so much to it as an agreed method of determining what is right in cases of dispute according to principles accepted and defined so far as possible in time of peace."

PRESIDENT WAR MUST BE RIGHTLY SETTLED

As business men, we cannot fail to foresee that, if this war is settled as all previous wars have been, without providing for the "duly constituted authority," there will be added to its enormous charges the still greater continuous charges due to rivalry in armaments and other preparations for the "next settlement." Under such conditions, we are forced to believe that the European nations, after the war, will be faced with the insistent need for re-establishing their industries at almost any sacrifice in order to keep up in the race for armaments and to obtain means of settling their debts so as to keep their credit good for the next war. Predictions by students of affairs already abound that these necessities will cause them to make sacrifices of natural profits, lower their scale of living, and so create competition of unexampled severity,—a competition which also would be particularly ominous for our higher-wage market, that so far has suffered least.

FACTORS TO BE FACED

Whether this reasoning be sound or not, the certain factors that we have to face in the event of an unsatisfactory settlement in Europe will be:

EUROPE'S REDUCED POWER TO BUY

1. A reduction of purchasing power in Europe and indirect reduction thereby of purchasing power in other countries; for instance, if Brazil cannot sell as much coffee to Europe her purchasing power in other countries will be proportionally limited.

SHORTAGE IN CAPITAL

2. A shortage of the world's available capital due, (a) to sheer destruction, (b) to the great uncertainty as to the future, (c) to the need for settling certain of the war debts, and (d) preparing for further war,—the whole tending to raise the price of capital the world over and limit notably its employment in the newer countries.

LOW-STANDARD COMPETITION

3. A decline in the European standard of living and perhaps of wages, rendering possible a low-priced production, which will create a costly world-wide disturbance of industrial conditions.

HOSTILE TARIFF LEGISLATION

4. Increasing hostile protective tariffs on the part of the fighting countries, due, first to a desire to find a source of taxation, and secondly to the desire to make the country imposing it as self-sufficing as possible in manufactures and food, as a military measure.

EFFECT ON UNITED STATES

Should a period of unrest and uncertainty follow an unsettling "settlement," United States will not be free to determine what increase, if any, she will make in her armaments, but may be forced into an abnormally great increase, with correspondingly abnormal tax and other burdens.

AMERICAN LABOR

The possibility of a growing revolutionary spirit in Europe, due to very seriously increased burdens on the masses with reactions on certain sections of American labor, is not to be disregarded.

FOUR SPECIFIC PROPOSALS

In any case it is obvious that America will be very seriously affected by the character of the settlement arrived at in Europe. Your committee, therefore, favors calling upon Congress and the President to do all in their power to promote the establishment of:

1. A More Comprehensive and Better-Defined Sea Law,
2. An International Court,
3. A Council of Conciliation,
4. International Conferences for the better establishment and progressive amendment of international law,
5. The organization of a System of Commercial and Financial Non-Intercourse to be followed by military force if necessary, to be applied to those nations entering into the foregoing arrangements and then going to war without first submitting their differences to an agreed-upon tribunal.

RECOMMENDATION ONE

A More Comprehensive and Better-Defined Sea Law

At best, sea law during war has always been poorly defined. Many of the causes of friction between belligerents and neutrals have been due not so much to wilful disregard by belligerents of neutral rights as to honest differences in appraising them. The understandings of one period have become confused by new inventions, new conditions. The international conferences which from time to time have undertaken more clearly to bring the nations into agreement respecting the rights of persons and property at sea have met irregularly, and their recommendations have had no binding force. There is need of a legislative body to frame agreements on such law; there is need of just interpretation of this sea law, which means an international court; and there is need of a method of compelling respect for the court's decision, which means finding something better as a way of enforcing international law than taking sides in a war in which both sides may be violating the law. The present war with the losses of lives and property of Americans has fundamentally emphasized these needs.

RECOMMENDATION TWO

An International Court

When citizens disagree, the state provides courts to mete out justice. When two or more of our states or of citizens in different states disagree, the United States maintains courts for the same purpose. It is no more logical or right for nations with differences to resort at once to war than it would be for

two men who have failed to settle a private difference to draw pistols and begin to shoot.

The problem of securing peace and justice among nations is simply an extension of what we have successfully solved in the national and municipal realms. It is not without significance in this connection that 44 of the principal nations of the world had, seven years before the war, agreed in principle to the establishment of a World's Court of Arbitral Justice, differing only over details. Since 1907, however, there has been much study of details, and with the compulsion of the experience of this war added it is now believed that the difficulties they presented can more readily be overcome.

RECOMMENDATION THREE

A Council of Conciliation

There are questions that cannot be decided by the strict rule of law. Among nations questions of honor and questions of policy are usually reserved from arbitration. We should not, for example, arbitrate the Monroe Doctrine or submit to a court our right to say whether or not we might exclude or restrict immigration. But before nations shall fight over such questions, bringing damage on all, it is fair to neutrals that they should be given a chance to ascertain the facts and, if possible, help to a peaceful solution. The delay incident to such efforts toward conciliation may serve as a preventive of war.

RECOMMENDATION FOUR

International Conferences for the Better Establishment and Progressive Amendment of International Law

Along many lines already world forces have been working for many years through international conferences to promote a better understanding among nations, establish more firmly enlightened standards to govern their inter-relations and furnish a body of international law.

CONFERENCES OF LAST CENTURY

A number of general conferences were started by international meetings before the nineteenth century, but more regular meetings were organized since then. Those conferences met at Vienna (1815), Paris (1856), Berlin (1878 and

1885), Algeciras (1906), London (1912). Successively international conferences have condemned slavery, regulated navigation on international rivers, suppressed privateering, proclaimed the right of men to their language and religion in nations composed of people of different nationalities, applied the principle of open door to the Congo Basin and Morocco, guaranteed the right of backward peoples.

TECHNICAL CONFERENCES

Besides these conferences which had specifically a more European character, except those of Berlin (1885) and Algeciras (1906) in which the United States of America also participated, numerous official conferences with a more technical aim have been held mainly during the last fifty years. About sixty different matters have been discussed by the most competent men of the world in the most varied domains of human activity. Nineteen permanent bureaus and offices have been organized of which two at least, the International Postal office at Berne and the International Institute of Agriculture at Rome, are supported by all the civilized states of the world.

QUESTIONS DISCUSSED

An enumeration of the main questions considered will show how far-reaching is the work already performed. They are in part: publication of customs tariffs, sugar production and exportation, contraband of arms to backward peoples, importation of alcohol into Africa, slave trade, white-slave traffic, preservation of animals (seal, fishes, birds, etc.), suppression of opium traffic, propagation of phylloxera, unification of weights and measures, railroad transportation, postal, telegraphic and radiotelegraphic relations, protection of submarine cables, regulation of maritime signals and roads, workingmen's protection, exchange of scientific and public publications and of artistic reproductions, unification of private and commercial legislation, protection of patents and trademarks, unification of commercial statistics, geodetic and seismologic researches, exploration of the seas, publication of the map of the world. This movement toward international agreement and law was gaining in strength each year. Stopped by the war, there is little doubt that it will revive stronger and pursue its course in a more regular and systematic way when the

war is over. Business men perhaps more than others should be anxious to support such endeavors for a better understanding among nations establishing more firmly enlightened standards to govern their inter-relations and furnishing a more elaborate and organic body of international public and administrative law. The present war has again incontrovertibly shown the fundamental need for this. The problem is, then, not new or novel, but needs only to be broadened and organized to yield all the desired benefits.

RECOMMENDATION FIVE

POWER TO ENFORCE AGREEMENT

The organization of a System of Commercial and Financial Non-Intercourse, to be followed by military force if necessary, to be applied to those nations entering into the foregoing arrangements and then going to war without first submitting their differences to an agreed-upon tribunal

There is a difference of opinion as to the employment of force to compel any signatory nation to submit its cause to an international tribunal before going to war. Your committee, however, believes that the great majority of the practical men of the United States who hold themselves responsible for reasonable progress see the necessity of the employment of an adequate pressure or force to compel signatory nations to bring their cause before an International Court or Council of Conciliation before going to war; because, however desirable it may be theoretically not to use force, yet the history of the last one hundred years, the many wars during that time and the events of the present war have made apparent the fundamental need of an international power to enforce the submission of international disputes to a court. The alternative is constantly recurring wars and, in the interval between these wars, the increasing absorption in preparations for war of the resources of the principal nations of the world.

DISARMAMENT

Your committee does not suggest that the world can do without armies. We do not think that it can, at the present stage of civilization, any more than we can do without a militia. But just as, within the state, there are many things we use, besides the militia and before we use the state militia or call upon Federal troops for the enforcement of a law or

the execution of a court's judgment, so there are forces we can use internationally before we employ our armies and navies.

ECONOMIC PRESSURE

These forces can be summarized in the term economic pressure, by which we mean the commercial and financial boycott of any nation that goes to war without submitting its dispute to judgment or inquiry. Our plea is that in the first instance the use of economic force is clearly indicated, and that military force should be resorted to only if economic pressure prove ineffective.

ARGUMENTS FOR ECONOMIC PRESSURE

In considering such a use of economic pressure, it should be borne in mind that it already comes to pass automatically within a more limited area when nations go to war. Warring nations promptly boycott each other. This is important to keep in mind because confusion on this point sometimes prompts the argument that "non-intercourse would be a more expensive weapon than war," as though the fact of going to war in some way avoided non-intercourse. What your committee really means by its recommendation is that, in the future, arrangements for international enforcement of the economic boycott should be organized on a world-wide scale, and that in these world-wide arrangements nations better fitted to co-operate with economic than with military power could have a part in the application of the pressure needed to preserve the world's prosperity and progress.

PRESSURE APPLIED PROGRESSIVELY

The boycott could be of progressive severity. In the first, and what would probably usually be the effective stage, the signatory nations would refuse to buy from or sell to the offending nation. If the offenses, however, were aggravated and persistent, all intercourse could be suspended, and if that proved insufficient then, as the last step, recourse could be taken to military force.

Many states that, for various reasons, might not be able to co-operate with military force could co-operate by their economic force, and so render the action against the offending state more effective, and that, in the end, would be more humane.

ARGUMENTS AGAINST ECONOMIC PRESSURE

It is argued that this plan is a two-edged weapon likely to injure ourselves as much as the nation at which it is aimed. In other words, it is costly, but is not all punishment costly? War, too, is costly, and self-injurious to the nation which essays it. Is not the whole system of peace within the state based on the principle that we are prepared to pay for the prevention of law-breaking? In a choice of costs, the policy of wisdom is to choose that which, for the least outlay, promises the greatest return. Our proposition implies that the coercing members shall outweigh the members to be coerced. In that case the cost would be distributed, and the mutual markets conserved. And if the war would finally prove inevitable, the expense of the boycott could be regarded merely as a part of its necessary preparation, by shortening the strictly military stage just so much.

DIFFICULTY OF DETERMINING A NATION'S RESPONSIBILITY

It may be contended that it would be difficult to locate the responsibility of an offending nation soon and clearly enough to insure a just and probably effective use of economic pressure before war had begun. But in dealing with individuals the police power leaves decisions to the court. Nations submitting their differences to an established tribunal for conciliation or judgment before going to war would not come under the proposed plan of pressure. It would apply automatically to all other signatory nations.

ECONOMIC COMPULSION LESS DISTRESSING THAN WAR

To the contention that the plan would bear with undue hardship upon individuals of special trades and industries, it may be replied that so does war. Your committee thinks it would be easier to prevent that special distress during non-intercourse than in the event of war. The experience of the combatants of this war is particularly enlightening on this point. On the morrow of the declaration of war, many credit institutions in England (the same thing was true of Germany) found themselves threatened with what would have been, in the absence of special measures, absolute ruin. But special measures were taken, and the government successfully used

its power to prevent all the effects of the war falling upon any one class of the community.

EFFECT OF MODERN EMBARGOES

The objection that past embargoes were ineffective, notably the Berlin and Milan Decrees of the Napoleonic Wars, overlooks the immense difference in the character and importance of international intercourse in those times and now. If, a hundred years ago, a capital were isolated for weeks, business elsewhere went on either unaware or almost unconcerned, but the sudden isolation of the capitals of Europe in August, 1914, compelled practically every government in the world instantly to take extraordinary measures to reorganize its whole commercial and financial life. The swiftness and intricacy of modern inter-relations give to their interruption a drastic and far-reaching effect formerly unknown.

MIGHT HAVE AVERTED THIS WAR

Had such a plan to put compulsion automatically into effect been in existence during the tense weeks just prior to last summer's declarations of war, your committee believes delay might have been secured for a conference, and the war perhaps averted.

USE OF FORCE

If military force is to be used between nations, it is incomparably preferable that it shall be used for the enforcement of recognized international law, which ultimately would, by this means, replace war.

Your committee has studied sympathetically the arguments of those who on principle oppose all force, even to enforce law instead of war; likewise the argument of those who respect the tradition that the United States should "keep free of entangling alliances." It must be conceded that the latter describes a past policy under which our nation has grown in prosperity and happiness. But your committee is forced to see that our country is already directly involved in the present war, because the lives and prosperity of American citizens have been involved, and because the future peace and prosperity of our country will be involved in the settlement of the war.

Your committee believes that American citizens, realizing the world's imperative need of the substitution of law for war, if militarism is not to dominate, are ready, nay, feel it the clear call of duty to take their share of the work and responsibility necessary to establish this substitution. We cannot escape if we would. We would not if we could. The call of women and children, of the helpless and the weak, suffering indescribably from needless war, is an irresistible compulsion to all Americans, and not least to American business men.

Knowing that civilization is made up of the work and suffering and martyrdoms of the past, we are willing, yes, anxious to "pay back" in kind, if necessary, what we are enjoying, if thereby we can help on this greatest forward step of civilization—the substitution of law for war.

OPPORTUNITY FOR UNITED STATES TO INFLUENCE SETTLEMENT

Your committee believes that the time is ripe as never before for the fundamental advance in civilization that the establishing of an International Court and Council represents. We know that the hope and the best and sanest thinking of the world have been in that direction. It is the inevitable road forward as shown by the agreement of 44 nations. But never before has the will for it been made so powerful as it has been made by the present war. Not only in the neutral nations, but also in some of the fighting nations the will for more permanent peace after this war has been greatly strengthened. The most important of the fighting nations are reiterating that they are fighting for it as a chief purpose.

Moreover, even the selfish interests of the fighting nations will compel them, at the close of the war, to favor the greatest practical substitution of law for war by the creation of international tribunals. For the alternative will be the constant danger that existing alliances may be undermined even by differences over the terms of settlement themselves with results similar to those that caused the second Balkan war, or undermined by conflicting national interests and purposes in the years succeeding the war. The time must inevitably come when the world will provide some better method than war for dealing with the questions that arise between nations. Your committee believes that it is practically possible that the time has arrived, if the United States will but do its share

of the work. There is little real hope for success if the United States is not a part of it. For it is being demonstrated by this war that success in modern war depends largely on adequate supplies of ammunition and other war materials. Of these, the United States is capable of the largest and least interrupted production. If, at the close of the war, there exists the legalized purpose of the United States to join in the work needed to enforce peace, there will be a most practical reason to expect success for this so necessary step forward. In fact the beginning of the necessary organization may be in existence at that time by reason of agreements between the United States and some of the neutral nations of South America and Europe. It is a great opportunity, perhaps the greatest that has ever come to any nation. It is a great adventure, practically within our power to promote,—an enterprise that appeals to all that is best in us,—an opportunity we will not miss.

EDWARD A. FILENE, *Chairman*.
P. H. GADSDEN,
EDWARD HIDDEN,
HERBERT S. HOUSTON,
H. A. MELDRUM,
GEORGE E. ROBERTS,
PAUL H. SAUNDERS.

ARGUMENTS AGAINST CERTAIN COMMITTEE RECOMMENDATIONS

October 20, 1915.

*To the Board of Directors of the Chamber of Commerce of
the United States:*

COMMITTEE OF BOARD AND ITS PURPOSES

In obedience to the resolution of your Board, by which the report of the Special Committee on Economic Results of the War and American Business was ordered submitted to a referendum vote, to be accompanied with arguments against recommendations involved, and by which the undersigned were appointed a committee of your Board with power to approve the report and arguments for such submission, we now have the honor to submit the following:

ARGUMENTS IN FAVOR

First: The Special Committee's report itself contains the arguments in favor of the recommendations, and we have thought it unwise to attempt to add anything further.

ARGUMENTS AGAINST

Second: Some considerations in opposition which may be deserving of attention are contained in the following statement:

SEA LAW, COURT, COUNCIL, INTERNATIONAL LAW CONFERENCES

(a) It is assumed that the first four proposals of the Committee, as stated on the fourth page of its report (page 6 of this pamphlet), are directed to conditions so well understood, and that the agreement about the answers to them is so nearly universal, as to render unnecessary any attempt to formulate objections to them.

ECONOMIC AND MILITARY PRESSURE

(b) Doubt will probably arise with respect to the fifth proposal, which involves the adoption of a new principle, and which, however moderate in its immediate form, may be regarded as a departure from accepted rules of conduct in international law.

In connection with this last proposal, the following objections may be deserving of attention:

ADVISABILITY OF ANY ACTION

1. Doubt is entertained as to the wisdom of having the Chamber of Commerce of the United States take any action upon this question at this time. While this question is now the subject of quite general discussion in this country, it does not follow that in view of prevailing conditions it is advisable to take action with respect to it.

OPPOSITION TO ANY USE OF FORCE

2. Opponents to the employment of force under any and all circumstances will need no suggestions. The recommendation simply invites the application of a general principle to a particular situation.

OTHER OBJECTIONS

3. Altogether different is the attitude of those of our citizens who adhere to the traditional policy that we should avoid foreign entanglements, who look with disfavor upon any unnecessary enlargement of our army and navy, and who feel that we could not recommend to other nations what we hesitate, or are unwilling, to undertake ourselves.

MILITARY OBLIGATIONS ON UNITED STATES

An affirmative answer to this proposal necessarily involves a readiness on our part to assume the full responsibility of active participation with economic and military force in compelling submission of questions. Inasmuch as a league without the membership of at least several of the other first-class nations can hardly be contemplated, an affirmative answer would mean a state of constant preparedness for military ac-

tion in foreign countries, which has so far been unknown in our country.

PECULIAR DIFFICULTIES IN ECONOMIC PRESSURE

4. The proposed agreement to resort to commercial and financial non-intercourse with an offending nation is subject to a peculiar difficulty. In an undertaking to employ military force, it may be assumed that an approximate apportionment of responsibility between the several members of a league may be provided for. Even here the difficulties may be great when it comes to consider questions of command, and, more particularly, to determine the elements of cost and effectiveness, owing to varying geographical conditions and different branches of service represented by armies and navies.

No such basis for apportionment is to be found when it comes to the employment of economic force expressed in commercial non-intercourse. When such a measure is employed, it is not inconceivable that a single nation may be compelled to bear substantially the entire cost of the undertaking. And it is beyond the possibility of chance that the commercial relations between the several members of a league and the offending nation would be such as to furnish the basis for their proportionate contribution to the enforcement of their order. In other words, every nation—party to such a league—would have to be prepared to risk, or sacrifice for the time, its entire trade with an offending nation, even though other members of the league suffered no corresponding loss.

This very inequality invites consideration of self-interest and consequent antagonisms, which it is impossible to anticipate beyond mere suggestion.

DIFFICULTIES IN ANY PLAN FOR POSITIVE ENFORCEMENT OF AGREEMENTS

5. Finally, the recommendation assumes the possibility of having the decisions and conduct of such a league regulated by equitable rules, impartially and disinterestedly carried out. It is true that the proposal contemplates nothing more than the insistence that every member of the league before going to war shall submit its questions to a council for hearing, consideration and recommendation. In its purpose the recommendation is extremely moderate. Will it rest there?

UNINTENDED POSSIBILITIES OF POWERFUL LEAGUE

Power to coerce by economic or military force once created is apt to be employed. The proposed league is almost sure to have within itself the elements of separate combinations based upon distinct interests and aims. The opportunities for the exercise of such power are innumerable. They may find occasion in the circumstances under which controversies between nations arise or are induced, in the manner in which disputes are submitted and determined, and, above all, in the effect that will be given by a majority of a league to a council's recommendation, however arrived at. It is not clear that a powerful league would rest content with the moral influence of the proposed council's advice.

In other words, the question is whether the proposed employment of force for peace is not more apt to increase than to decrease disorder—not unlike so many of our more modern legislative enactments.

JOSEPH H. DEFREES, Chairman.

HOWELL CHENEY.

JOHN JOY EDSON.

CHARLES NAGEL.

R. G. RHETT.

EXHIBIT I

PERMANENT COURT OF ARBITRATION AT THE HAGUE

SECOND HAGUE PEACE CONFERENCE

The report of the committee refers several times to the action of the Second International Conference at The Hague, in 1907, in agreeing on the necessity of an international tribunal to deal with international differences. This agreement took the form of a Convention for the Pacific Settlement of International Disputes. The signatures have importance since, in accordance with the procedure of conferences among nations, they were affixed only upon express instructions from the several governments. The delegates signing the convention thus represented:

COUNTRIES SIGNING

Argentina	Germany*	Persia
Austria-Hungary*	Great Britain	Peru
Belgium*	Greece	Portugal*
Bolivia*	Guatemala*	Roumania*
Brazil*	Haiti*	Russia*
Bulgaria	Italy	Salvador*
Chile	Japan*	Servia
China*	Luxemburg*	Siam*
Colombia	Mexico*	Spain*
Cuba*	Montenegro	Sweden*
Denmark*	Netherlands*	Switzerland*
Dominican Republic	Norway*	Turkey
Ecuador	Panama*	United States*
France*	Paraguay	Uruguay
		Venezuela

Although Norway did not sign the convention it subsequently gave its formal adherence, thus making forty-four countries which have united in the agreement.

RATIFICATIONS

Most of the more important countries not only authorized signature of the convention but later formally ratified it. Countries which so ratified the convention are marked with stars in the list printed above.

RESERVATIONS

Both to the signature of the convention and to its ratification some countries, including the United States, made reservations. Thus, the United States stipulated that its signature should not be construed so as (1) to require it to depart from its "traditional policy of not intruding upon, interfering with, or entangling itself" in the political questions of any foreign country, or (2) to imply a relinquishment of its traditional policy toward purely American questions, such as the Monroe Doctrine. The United States conditioned its ratification upon an understanding (1) that questions should go to the Permanent Court only after the countries concerned had made separate arbitration treaties between themselves, and (2) that the Permanent Court should have no part in formulating the exact questions to be settled or the procedure to be followed by the Court in receiving the cases, these matters to be determined wholly between the parties.

NATURE OF COURT

The convention signed in 1907 was a revision of a similar convention which resulted from the First Hague Conference, in 1899, and created a Permanent Court of Arbitration, with its seat at The Hague, where its staff of subordinate officials have their office. The court was organized in 1901. The subordinates are under the direction of an administrative council, composed of the diplomatic officers who are accredited to Holland by other countries and of the Netherlands Minister of Foreign Affairs.

THE JUDGES

The court is not a judicial body in the sense that it has judges who devote their whole attention to its affairs. On the contrary the judges as such are chosen for each case. In order that there may always be names ready from which

selections may be made each country designates no more than four persons "of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators." The period for which a name is designated for the list is six years. The list of arbitrators so designated now contains about one hundred and fifty names. The representatives of the United States on this list are:

AMERICAN MEMBERS

George Gray, of Delaware, formerly United States Senator and United States Circuit Judge.

Oscar Straus, of New York, formerly Secretary of Commerce and Labor and Ambassador at Constantinople,

Elihu Root, of New York, formerly Secretary of War, Secretary of State, and United States Senator, and

John Bassett Moore, of New York, professor in Columbia University and formerly Counselor of the Department of State.

RECOURSE TO THE COURT

There is no compulsion upon the signatory powers that they should use the court to settle any question. If they decide between themselves to use the court, however, they must choose their arbitrators from the official list. If they cannot agree upon the arbitrators, each chooses two, of whom one must be from a foreign country, and these four choose a fifth. These arbitrators then constitute the Tribunal before which the case is to be heard, and while serving on a Tribunal have all the privileges and immunities of ambassadors.

ENFORCEMENT OF AWARDS

There is no provision for enforcement of awards, although a paragraph of the convention declares "Recourse to arbitration implies an engagement to submit in good faith to the award."

MEDIATION

The convention which was drawn in 1899 and revised in 1907 not only provided for a Permanent Court of Arbitration but also for mediation; for it stipulated that the participating countries should have recourse, "as far as circum-

stances allow," to the mediation of friendly governments, and that governments with no part in a dispute might with propriety take the initiative in offering to mediate, reconciling opposing claims and appeasing feelings of resentment. In accordance with these provisions the United States took an initiative which resulted in ending the war between Japan and Russia.

COMMISSIONS OF INQUIRY

For differences which depend upon conflicting opinions about facts the convention provides Commissions of Inquiry, the reports of which are wholly confined to elucidation of facts in controversy. The appointment of such a commission at a time when feeling in England ran high, because Russian warships on their way to the Far East during the Russian-Japanese war fired upon English trawlers in the North Sea, is generally conceded by writers on international law to have prevented war between England and Russia.

PROVISIONS NOT COMPULSORY

It will be noticed that all of the provisions of the Convention for the Pacific Settlement of International Disputes, as they are outlined above, are permissive only, in that they bring into existence machinery which is ready for use but which may be used or neglected as either of the interested countries may choose. During the events which preceded the European war the facilities afforded by the convention were ignored, although at one stage there were partially accepted suggestions that mediation of the original dispute between Austria and Serbia be used, this mediation to proceed through four European ambassadors stationed at London who would "examine how Serbia can fully satisfy Austria without impairing Serbia's sovereign rights of independence."

ARBITRATION TREATIES OF UNITED STATES

TREATIES OF 1908-9

It will be noticed that the Hague Convention contemplates separate treaties of arbitration, either of a general nature or regarding specific questions, as conditions precedent to the use of the Permanent Court of Arbitration. In 1908 and 1909 the United States negotiated a number of such treaties, usually

effective for five years and since ordinarily renewed for further terms of five years. Among the countries with which these treaties were negotiated are Austria-Hungary, France, Italy, Norway, Spain and Japan.

EXCEPTED QUESTIONS

In general they provide for arbitration by the Permanent Court of Arbitration of all questions which cannot be adjusted through diplomatic exchanges and which are of a legal character, or relate to interpretation of treaties, provided "that they do not affect the vital interests, the independence, or the honor of the two contracting states, and do not concern the interests of third parties."

TREATIES OF 1913

In the spring of 1913 the Secretary of State presented to the diplomatic representatives at Washington an outline of a plan which concerned all disputes, without such an exception as appeared in the treaties of 1908-1909, and without reference in any way to the Hague Convention. The proposal was that treaties should be negotiated between the United States and other countries by which they would bind themselves not to go to war over any question until it had been submitted for investigation and report to an international commission of five members, one member chosen by each government as it pleased, one member chosen by each government from some third country, and the fifth by common agreement between the two countries. This proposal was accepted in principle by thirty-five countries, including all important European nations, and thirty of these countries actually negotiated corresponding treaties with the United States.

FRYE CASE

The most recent proposals for submitting a question to the Permanent Court of Arbitration at the Hague have occurred in diplomatic correspondence between Germany and the United States with reference to the interpretation of a treaty bearing upon the destruction of the American ship *William P. Frye* by a German auxiliary cruiser. On August 10, 1915, the United States accepted the proposal of Germany that there should be arbitration, and on September 19 the German government assented to such changes in the proposal as the Amer-

ican government had made in its acceptance. Germany has suggested that the details be at once arranged and has stated that it is ready to submit a draft of arrangements which will govern the procedure of the tribunal. On October 12 the United States expressed its preference that the arbitration be through summary procedure—by two arbitrators who choose a third and receive only briefs and documents, without oral arguments and witnesses—rather than the longer form through the Permanent Court at The Hague.

THIRD HAGUE CONFERENCE

It was rather generally believed that conferences at The Hague would be held every seven years. According to this opinion the third conference would have convened in 1915. Consequently, there has been some private discussion in the United States of the subjects that should be considered. For example, the president of the United States delegation to the First Hague Conference stated in the spring of 1914 that these subjects should include:

SUBJECTS OF DISCUSSION

Limitation of armaments by sea and land.

Creation of an arbitration tribunal with judges resident at The Hague and devoting their whole time to the court, this tribunal always to be in session.

Immunity from seizure of private property which is at sea and which belongs to citizens of belligerents, so long as it is not contraband of war.

Regulation of the use of torpedoes in blockading hostile coasts.

Regulation of flying machines for purposes of war, and especially the use of such machines to drop explosives.

EXHIBIT II

SEA LAW IN NEED OF INTERNATIONAL AGREEMENT

ADMIRALTY COURTS

About the rules and administration of the law which applies to ships and goods at sea in times of peace there is no great uncertainty or dissatisfaction. In ordinary times, when vessels collide at sea, when the negligence of a ship master results in the damage or loss of goods, and when other untoward events occur which are connected with transportation by sea, the admiralty courts settle rights and liabilities and have machinery by which they can give effect to their judgments.

PRIZE COURTS

When two or more nations go to war, however, they proceed to interfere with one another's ordinary ocean commerce, and even to deal to an extent with the commerce of countries which have no part in the war. In order that acts of this character may be given a legal status, every maritime nation soon after entering upon war opens its prize courts, and in these war-time courts determines whether there shall be confiscation of private property, or cargo and vessels which have been detained shall be released.

LACK OF UNIFORMITY

Since the prize courts in different countries, in dealing with the property of citizens of neutral countries as well as of citizens of belligerent countries, do not apply rules which are uniform among all countries, their decisions have long given rise to complaints. It is these rules that the committee of the Chamber wishes to have defined.

INTERNATIONAL PRIZE COURT

The Second Hague Conference took definite steps toward uniformity in these rules by providing for the creation of an

International Prize Court to which parties who are dissatisfied with the decisions of the prize courts of belligerent nations might appeal. The convention for the creation of this international court,—the first truly international judicial tribunal so near to realization,—was signed by thirty-three countries, although none of these countries ratified the convention.

RULES TO BE APPLIED

The principal reason for the failure of the signatory nations to create the International Prize Court lay in the form of an attempt to specify the rules to be applied by this court of appeals. The section dealing with this subject said:

“Art. 7. If a question of law to be decided is covered by a Treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceeding, the Court is governed by the provisions of the said Treaty.

“In the absence of such provisions, the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity.”

CONVENTION OF LONDON

Objection was at once made that the last sentence, “If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity,” left uncertain the rules to be applied in the really important cases. In order to remedy this difficulty England in 1908 invited an international conference for the purpose of reaching an “agreement on what are the generally recognized principles of international law.” There resulted the Convention of London, signed in 1909 by Austria-Hungary, England, France, Germany, Holland, Italy, Japan, Russia, Spain and the United States.

Although the British Government had authorized its delegates to sign the Convention of London, it found unexpected hostile opinion at home when it introduced in Parliament a bill for appropriate modifications of English law. It has been said that when the European war began, in August, 1914, ratification by other countries of both the Convention for an International Prize Court and the Convention of London awaited only the action of England.

PRESENT STATUS

In 1911, when Turkey and Italy were at war, both nations announced that in their prize courts they would follow the rules of the Convention of London. Immediately after the opening of the European war the United States asked if the belligerents would abide by these rules. Germany agreed, on condition that its opponents should do likewise. This effort came to naught when England stated that it would follow the rules only with modifications, of a somewhat indefinite character. All the maritime belligerents in fact appear to have directed their prize courts to follow the Declaration of London, with changes, and the current decisions of the prize courts accordingly refer to the Declaration and in some particulars purport to be bound by it.

SUBJECTS OF DECLARATION

The Declaration of London concerning the laws of naval warfare was a codification reached by reciprocal concessions and compromises. In attaching signatures some of the countries made reservations. The subjects dealt with, all of which related to the treatment of private property at sea, were:

Blockade.

Contraband of war, including a list of articles which might under no circumstances be declared contraband.

Unneutral acts by subjects of neutral countries.

Conditions under which neutral merchant vessels may be destroyed.

Transfer of merchant vessels from a belligerent to a neutral flag.

Goods which may be considered to belong to a citizen of a belligerent.

Effects of convoy of neutral merchant vessels by neutral warships.

Results of resistance to search by a belligerent cruiser.

Compensation when a prize court releases vessels or cargo.

PART OF LAW NEEDING DEFINITION

Although this list does not contain all the subjects regarding which definite rules should be established, and in some instances the rules laid down in the Declaration of London may not completely cover the subject, it is representative of the parts of the sea law which are in need of determination among nations.

EXHIBIT III

INTERNATIONAL CONFERENCES

CONFERENCES FOLLOWING WARS

Treaties between countries which have been at war usually undertake to settle and state the results of the war, in order that there may be no future controversy regarding the same subjects. When more than two countries have had their interests involved in the settlement of the results of a war they have usually had representatives present during the negotiations which fixed the terms of the treaty. These meetings of representatives of several states have come to be known as conferences or congresses.

Conferences of this sort, following war, resulted in the treaty of Westphalia (1648), and the treaties of Utrecht (1713-14), and were further illustrated by the Congress of Vienna (1814-15), the Congress of Paris (1856), and the Congress of Berlin (1878).

TREATY OF WESTPHALIA

The importance of these conferences, which frequently have enunciated general principles of international conduct as well as decided specific questions of boundaries and the like, is indicated by the Treaty of Westphalia, which marked the recognition of international law and the beginning of the present system of diplomatic representation, with a diplomatic officer of each country stationed at the capitals of all other important countries.

CONGRESS OF PARIS

The Congress of Paris, which followed the Crimean war, initiated codification of international law, and even recommended that mediation should be used to prevent war.

CONFERENCES UNCONNECTED WITH SPECIFIC WARS

In time it became apparent that international conferences were highly desirable in times of peace, in order that there

might be general agreements which would ameliorate the hardships and suffering future wars would bring to individuals.

GENEVA

Conferences called by Switzerland and held at Geneva in 1864 and 1868, with a further conference in 1906, established an international obligation to protect the wounded and the sick. This obligation is the basis for the creation and operation of such organizations as the Red Cross.

ST. PETERSBURG

In 1868 Russia called a conference at St. Petersburg which resulted in a convention intended to alleviate the effects of war by preventing the use of bullets which needlessly aggravate suffering.

BRUSSELS

At Brussels in 1874, upon the initiative of Russia, there was a conference which drafted a declaration of the laws and customs of war. This codification remained a draft, not being ratified because of various differences of opinion, but it had importance because it served in many ways as a starting point for the First Hague Conference.

PAN-AMERICAN CONFERENCES

In 1889, when the United States invited other American republics to join in a conference at Washington, the subjects of discussion became even more general than at earlier conferences such as have been mentioned above. This conference of eighteen American republics adopted a plan for arbitration of disputes which might arise among them, whatever the cause, unless the independence of a country were involved. A second Pan-American conference met in Mexico City in December and January of 1901-1902; a third conference had its sessions at Rio de Janeiro in 1906; a fourth met at Buenos Aires in 1910 and a fifth was to meet in Santiago at the end of 1914, but was postponed on account of the European war. As yet no extensive results, other than cultivation of good feeling, have followed from these conferences, largely perhaps because after they adjourned there were no individuals or organizations in the different countries charged with taking

the initiative in seeking to have the decisions of the conferences made effective.

FIRST HAGUE CONFERENCE

In 1899 a generally representative convention met at The Hague, upon the invitation of Russia. The Russian invitation was for a meeting to restrict armaments, "to accept in principle the employment of good offices of mediation and facultative arbitration in cases lending themselves thereto, with the object of preventing armed conflicts between nations; to come to an understanding with respect to the mode of applying these good offices, and to establish a uniform practice in using them."

Regarding armaments no agreement was reached, but the International Court of Arbitration at The Hague, described above, was created, and conventions were adopted respecting the laws and customs of war on land, the adaptation of the principles of the Geneva convention to maritime warfare, the launching of projectiles or explosives from balloons, the use of asphyxiating gases, and the use of expanding bullets.

SECOND HAGUE CONFERENCE

Upon a suggestion of the United States, Russia issued invitations for the Second Hague Conference which met in 1907. Some fifteen agreements were signed at this conference, dealing with the creation of an International Prize Court, a revision of the convention of 1899 for the Court of Arbitration at The Hague, limitation of the use of force in collecting debts, regulation of the opening of hostilities, the rights and duties of neutral countries and persons in land warfare, status of enemy merchant vessels when war opens, laying of submarine mines, etc. A subject considerably pressed by American delegates at this conference, creation of a court of arbitration always open at The Hague and with judges who gave to it their whole time, was not affirmatively acted upon.

DECLARATION OF LONDON

Supplementary to the Second Hague Conference the Naval Conference of London met in 1909. Reference is made to it above.

QUESTIONS APART FROM WAR

International conferences upon subjects which are not related to war have likewise been frequent, especially during the last fifty years. These have included meetings of experts to arrange such questions as international regulation in Europe of railroad traffic, and conferences to establish international rights in industrial property such as patents, copyrights and trademarks.

EXPLANATION

In order to inform the members as fully as practicable on the subject submitted to referendum, a carefully selected committee is appointed to analyze each question and report its conclusions. The purpose of the referendum is to ascertain the opinion of the commercial organizations of the country, not to secure the approval of the recommendations voiced in the report. The Board of Directors in authorizing submission of a report to referendum neither approves the report nor dissents from it. Only the vote of the member organizations can commit the Chamber of Commerce of the United States for or against any of the recommendations submitted by the committee and until such vote is taken the report rests solely upon the authority of those who have signed it.

APPENDIX I

BY-LAWS

ARTICLE X

SUBMISSION OF QUESTIONS

SECTION 1. All subjects considered or acted upon by this Chamber shall be national in character.

SECTION 2. All propositions, resolutions, or questions, except those which involve points of order or matters of personal privilege, shall be submitted for action in writing only by the organization members, or by the Council, or Board of Directors, provided that by consent of two-thirds of the delegates present at a meeting a subject not so presented may be considered.

SECTION 3. (First Consideration.) An organization member desiring to present a subject for the consideration of this Chamber shall commit its proposal to writing and forward it to the General Secretary.

It shall be the duty of the General Secretary to bring this question before the Board of Directors by mail or telegraph, or at its first meeting, whereupon the Directors shall order the question printed with such arguments as may be presented by the proposing member, unless it be the opinion of said Board that the question is not of national importance. If the Board of Directors decide that a question submitted by an organization member is not of national character and should not therefore be sent to the membership for consideration, the proposing member may appeal from the decision of the Board to the National Council at any meeting of that body, or by mail through the office of the General Secretary. If the National Council decides by a majority vote that the question should be referred to the membership it shall be incumbent on the Board of Directors to order its submission.

In ordering the question printed the Directors shall determine the length of the statement which may be submitted with

it by the proposing member. The printed question and brief shall be transmitted to each member of this Chamber as soon as practicable, and simultaneously the General Secretary shall mail a copy to the National Councillor representing each organization member.

The question shall be accompanied by a notice from the General Secretary that each organization member is expected to express its opinion on the question in writing and mail said opinion to reach the National Headquarters within 45 days. In returning said opinion each organization member shall also register a preliminary or test vote on the subject. It may cast one such vote for each delegate to which it is entitled in the annual meeting. No vote shall be valid unless received by the General Secretary within 45 days of the date of the mailing of the question.

In forwarding the question it shall be the duty of the General Secretary to advise each organization member of the date on which the right to register votes expires.

SECTION 4. (Immediate Action.) If before the expiration of 45 days from the date the question and brief were sent out votes representing more than two-thirds of the voting strength of the organization membership are registered in favor of the proposition, the General Secretary shall immediately certify that fact to the Board of Directors. Thereupon, the question shall be recorded as having been approved by the Chamber and it shall be the duty of the Board of Directors to take such steps as may be necessary to make effective the action taken.

If at the expiration of 45 days one-third of the voting strength of the Chamber has been recorded and two-thirds of the vote thus cast representing at least twenty (20) states is in favor of the proposal the General Secretary shall so certify to the Board of Directors. Thereupon the question shall be recorded as having been passed and it shall be the duty of the Board to make the action effective.

SECTION 5. (Further Consideration.) If the question has failed to receive the votes necessary as set forth in the preceding section, but has received the approval of more than one-third of the votes cast, it shall be sent out for further consideration under the following conditions:

(a) The opinions received from the various organization members shall be put in type and referred to the

proposing member, said member shall have an opportunity to consider them and to add a final argument in support of its project, of such length as the Board of Directors shall prescribe.

(b) All of these opinions shall be assembled in a printed pamphlet, a copy of which shall be forwarded to each organization member and to each National Councillor.

(c) On receipt of the pamphlet it shall be the duty of each organization member to consider the whole project in the light of the opinions expressed in all parts of the country, and to register a definite vote on the proposition within 45 days of the date of mailing of pamphlet. One vote may be cast for each delegate to which the member is entitled in the annual meeting.

If the question shall be approved on this submission under the same terms as in section four of this article, it shall be certified to the Board of Directors as having passed and action by the Board shall follow.

SECTION 6. (Reference to Annual Meeting.) If on second consideration by mail, as herein provided for, a question shall fail to receive the vote necessary for its passage, but shall have received one-third of the votes cast, it shall be placed upon the program for consideration and action at the next annual meeting.

SECTION 7. Upon approval by the Council or Board of Directors a member may be permitted by petition to place upon the program for consideration at the annual meeting a question which has not been submitted in advance by mail as hereinbefore provided for, but such a question shall not be considered if one-third of the delegates present object thereto, and its submission by mail as hereinbefore provided for shall be ordered on the recording of a two-thirds vote in favor of that method of procedure.

SECTION 8. On all questions before a meeting of this Chamber on which a vote is taken *viva voce*, or by division, each duly accredited delegate from an organization member shall be entitled to one vote in person. A yea and nay vote may be ordered on any question upon demand of one-fourth of the delegates present officially representing such organization members and on such ballot only the votes of said members

shall be counted. On all yea and nay votes each organization member shall be entitled to as many votes as there are delegates present representing said member. All yea and nay votes shall be fully recorded and published in the proceedings. An affirmative vote of two-thirds shall be necessary to carry the approval of the Chamber of Commerce of the United States of America upon any proposition or resolution which may appear upon the official program or be added thereto as provided for by these By-Laws, provided, however, that such a vote shall be void and of no effect unless the attendance at the meeting shall represent one-third of the voting strength of the Chamber from at least twenty (20) states.

SECTION 9. (General Provisions.) (1) If on the first submission of a question less than one-third of the votes cast favor the proposal it shall not be advanced for second consideration in the form of a pamphlet except with the approval of the Board of Directors, provided, however, that upon petition of the proposing member with the indorsement of ten additional organization members from as many states the Board of Directors shall order second consideration of the question by mail. If it shall fail to receive one-third of the votes cast on original submission as hereinbefore provided for the Board of Directors may, however, place it upon the program for discussion at the annual meeting.

(2) The list of questions to be considered at each annual meeting shall be mailed to each member at least 30 days in advance of such meeting.

(3) No pamphlet prepared for second consideration as above set forth shall be mailed to the members of the Chamber less than 40 days before the annual meeting.

(4) No question shall be received from an organization member for submission to the Chamber by mail or at the annual meeting within 40 days of the date of said annual meeting, unless by a two-thirds vote of the Board of Directors.

(5) If any organization member shall refrain from expressing opinion on a question submitted by mail, and said question having failed of passage is referred to the annual meeting, said member shall not be entitled to the privilege of the floor for the purpose of debating said question, except by a three-fourths vote of the delegates present.

(6) If a question has been submitted by mail and the time for registration of votes respecting it has not expired before

notice of the annual meeting is sent out, it shall be considered as a pending question and shall go upon the program for action at the annual meeting.

(7) On a question submitted to referendum no organization member found to have voted with the minority shall be deemed to impair its standing in this Chamber by adhering to its position or by continuing its efforts in support thereof.

APPENDIX II

PERSONNEL OF COMMITTEE

EDWARD A. FILENE, *Chairman*:

A merchant of Boston, where he is treasurer and general manager of William Filene's Sons Company and has long been active in the Boston Chamber of Commerce, which he now represents in the Chamber of Commerce of the United States as National Councillor; member of the executive committee of the International Congress of Chambers of Commerce.

P. H. GADSDEN :

Lawyer; president of public utility companies in Charleston, South Carolina; formerly president of the Charleston Chamber of Commerce.

EDWARD HIDDEN :

Vice-President of the Commonwealth Trust Company of Saint Louis; president of the Saint Louis Business Men's League.

HERBERT S. HOUSTON :

Vice-President of Doubleday, Page and Company, of New York; president of the Associated Advertising Clubs of the World.

H. A. MELDRUM :

A merchant of Buffalo; president of the Buffalo Chamber of Commerce.

GEORGE E. ROBERTS :

Assistant to the president of the National City Bank, of New York; formerly Director of the Mint.

PAUL H. SAUNDERS :

President of the Mortgage Securities Company, of New Orleans; director of the Federal Reserve Bank of Atlanta.

APPENDIX III

BALLOT

WASHINGTON, D. C., November 15, 1915.

TO THE SECRETARY:

Your organization, as a member of the Chamber of Commerce of the United States of America, is requested to register its vote upon the questions submitted herewith on this ballot, which is to be detached and sent by registered mail *at the earliest date practicable* to the General Secretary at the National Headquarters, Riggs Building, Washington, D. C.

This referendum is taken for the instruction and guidance of the Board of Directors in its action upon the questions presented.

By order of the Board of Directors,

ELLIOTT H. GOODWIN,
General Secretary.

This Ballot will be counted only if received at National Headquarters, Riggs Building, Washington, D. C., on or before December 30, 1915. (See By-Laws, Article X.)

..... 1915.

TO THE GENERAL SECRETARY OF THE CHAMBER OF
COMMERCE OF THE UNITED STATES OF AMERICA,
Riggs Building, Washington, D. C.

SIR:

The
(Name of organization)

is a member in good standing in the Chamber of Commerce of the United States of America, and having a total membership of is entitled to votes. It desires these votes to be recorded as noted below:

I. The Committee recommends action to secure conferences among neutral countries, on the initiative of the United States, for the purpose of defining and enunciating rules which will at all times give due protection to life and property upon the high seas.

	In favor
	Opposed

II. The Committee recommends that for the decision of questions which arise between nations and which can be resolved upon the application of established rules or upon a determination of facts the United States should take the initiative in joining with other nations in establishing an International Court.

	In favor
	Opposed

III. The Committee recommends that for consideration of questions which arise between nations and which do not depend upon established rules or upon facts which can be determined by an International Court the United States should take the initiative in joining with other nations in establishing a Council of Conciliation.

	In favor
	Opposed

IV. The Committee recommends that the United States should take the initiative in joining with other nations in agreeing to bring concerted economic pressure to bear upon any nation or nations which resort to military measures without submitting their differences to an International Court or a Council of Conciliation, and awaiting the decision of the Court

or the recommendation of the Council, as circumstances make the more appropriate.

	In favor
	Opposed

V. The Committee recommends that the United States take the initiative in joining with other countries in agreeing to use concerted military force in the event that concerted economic pressure exercised by the signatory nations is not sufficient to compel nations which have proceeded to war to desist from military operations and submit the questions at issue to an International Court or a Council of Conciliation, as circumstances make the more appropriate.

	In favor
	Opposed

VI. The Committee recommends that the United States should take the initiative in establishing the principle of frequent international conferences at expressly stated intervals for the progressive amendment of international law.

	In favor
	Opposed

LIST OF PUBLICATIONS

Nos. 1-85 (April, 1907, to December, 1914). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

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The French Yellow Book, Translated and Prepared for Parliament by the British Government. March, 1915.
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The Austrian Red Book, Official Translation Prepared by the Austrian Government. April, 1915.
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The Serbian Blue Book. May, 1915.
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93. Documents Regarding the European War. Series No. VIII.

Italy's Green Book, Translation approved by Royal Italian Embassy, Washington, D. C. August, 1915.

LIST OF PUBLICATIONS—*Continued*

94. Documents Regarding the European War. Series No. IX.
Official Correspondence Between the United States and Germany.
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III. Restraints of Commerce, February 6, 1915—September 7, 1915.
IV. Case of the William P. Frye, March 31, 1915—July 30, 1915. September, 1915.
95. Documents Regarding the European War. Series No. X.
Official Correspondence Between the United States and Great Britain.
I. Declaration of London, August 6, 1914—October 22, 1914.
II. Contraband of War, August 5, 1914—April 10, 1915.
III. Restraints of Commerce, December 26, 1914—July 31, 1915.
IV. Case of the Wilhelmina, February 15, 1915—April 8, 1915. October, 1915.
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I. Secretary Bryan's Letter to Senator Stone Regarding Charges of Partiality Shown to Great Britain, January 20, 1915.
II. The Austro-Hungarian Minister for Foreign Affairs to Ambassador Penfield, June 29, 1915.
III. The Secretary of State to Ambassador Penfield, August 12, 1915. November, 1915.

Special Bulletins:

- A Brief Outline of the Nature and Aims of Pacifism, by Alfred H. Fried. Translated by John Mez. April, 1915.
Internationalism. A list of Current Periodicals selected and annotated by Frederick C. Hicks. May, 1915.
Preparedness as the Cartoonists See It, with introduction by Charles E. Jefferson. May, 1915.
Spirit of Militarism and Non-Military Preparation for Defense, by John Lovejoy Elliott and R. Tait McKenzie. June, 1915.
Existing Alliances and a League of Peace, by John Bates Clark. July, 1915.
97. Referendum on the Report of the Special Committee on Economic Results of the War and American Business. Reprinted by permission of the Chamber of Commerce of the United States. December, 1915.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Postoffice Sub-station 84, New York, N. Y.

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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

IS THERE A SUBSTITUTE FOR FORCE IN INTERNATIONAL RELATIONS?



BY
SUH HU

Prize Essay, International Polity Club Competition, Awarded June, 1916

AMERICAN ASSOCIATION FOR INTERNATIONAL CONCILIATION

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IS THERE A SUBSTITUTE FOR FORCE IN INTERNATIONAL RELATIONS?

I

The question "Is there a substitute for force in international relations" implies a serious ambiguity which, if not clearly understood at the outset, will greatly hamper our understanding of the real issue involved. Those who raise this question really mean by 'force', not force *qua* force, but only the frequent and unrestrained resort to armed force for settlement of international disputes. But the way in which the question is put not only begs the question from a logical standpoint, but also seriously obscures the real meaning intended by the questioner. For the wording 'a substitute for force' seems to suggest that the substitute to be sought is to be antithetically opposed to force—is to be devoid of force. Such a substitute there is none. For, in the words of Mr. John A. Hobson, "there is no display of moral force in any act of human conduct which does not make some use of physical force as its instrument."¹

This point will become clear if we consider a doctrine which is commonly supposed to be diametrically opposed to force, namely, the doctrine of non-resistance. When this doctrine is advocated, it is very often confronted by two sets of questions. Its advocate is asked either, "What would you do if

¹ *Towards International Government*, p. 88.

you saw your wife or your sister attacked by a criminal?" or, "Did not Christ himself use force when he drove the venders and moneychangers out of the temple of God?" It is regrettable that the zeal of the non-resister often makes him blind to the truth underlying these questions. The first question implies that the problem of force cannot be solved by any sweeping condemnation of its use, but must be considered in relation to the specific and concrete circumstances which demand the application or the non-application of force. The second question points clearly to the fact that the Christian command "Resist not evil" does not necessarily mean a condemnation of force as such. It seems that the doctrine of non-resistance may be interpreted as another way of saying "Vengeance belongs to God." The question is not, Whether force is condemnable or justifiable, but, Whether the administering of justice should be done by the interested parties themselves or by some higher and impartial power.

In recent discussions on this doctrine, it has been often pointed out that this principle implies no total denial of force, but only a firm belief that the attitude of passivity is capable of leading the offender or the criminal into repentance and goodness. It is this belief which has led some writers to call this doctrine that of 'super-resistance' or 'effective resistance'. "The non-resistance doctrine," says Professor John Dewey, "can only mean that given certain conditions, passive resistance is a more effective means of resistance than overt resistance would be."¹

I have indulged at some length in discussing the

¹ 'Force and Coercion', *International Journal of Ethics*, xxvi, 3, p. 365.

doctrine of non-resistance, because I believe that much of the vagueness and confusion in current discussion of international problems has been due to a misunderstanding of the real nature and place of force in human society. The point I wish to make clear by the foregoing discussion is that it is futile to look for an international policy which shall not involve a use of force; that even the so-called doctrine of non-resistance is *not* really a condemnation of force as such; and that the search for a 'substitute for force' can only mean seeking a substitute for the most crude form and most wasteful use of force.

II

What is wrong with the international situation is not that force prevails, but that force does not prevail. In the present war, we are witnessing the most stupendous manifestation of force that has ever happened in human history. And yet what has this tremendous display of force so far accomplished? Has the twenty-one months' world war resulted in more than a deadlock on all battle-fronts? Will all the unprecedentedly great sacrifices of lives and property, all defeat and victory, be able to settle any of the questions which somehow drove the nations into this war two years ago? The truth is that the nations have not yet learned how to make force really count for something in international relations. They have only been lavishing their available forces in a most wasteful manner with the least returns.

Why has force of such an unprecedented magnitude yet been unable to secure peace and order, to achieve

the ends for which such force was manifestly intended? Because force has not been efficiently used, because it has been wastefully applied. Force cannot prevail, if it is unorganized, unregulated and undirected. Under existing conditions, force is employed to resist force, or, more correctly speaking, force is so employed as to create for itself hosts of rival forces. The result has been a mutual cancelment of force: both the acting force and that acted upon are wasted in this process of mutual resistance and annulment.

Our problem, therefore, is not to condemn force *in toto*, nor yet to seek for any substitute-policy which will involve no use of force, but to find a way to make force actually prevail, that is, to avoid the wasteful use of it which leads nowhere but to self-exhaustion and annihilation. The solution of our problem lies in the organizing of the existing forces of the nations in such a manner as to minimize resistance or friction and to insure maximum economy and efficiency in their expenditure.

The experience of mankind in gradually passing from the lawless state of the savages into the civilized state of government by law, is the best illustration of the way in which isolated and conflicting forces or energies are gradually organized for the economical and efficient direction of human activities. "Law," says Professor Dewey, "is a statement of the conditions of the organization of energies which, when unorganized, would conflict and result in violence—that is, destruction or waste."¹ The reign of law simply means a state of conditions where our conduct is governed by, to use a recent expression of President Wilson, "a prescribed course of duty and respect

¹ *Ibid.*, p. 362.

for the rights of others which will check any selfish passion of our own, as it will check any aggressive impulse of theirs.”¹ It is this ‘statement’ or ‘prescription’ of the rules of conduct that enables men to avoid the wasteful expenditure of force which would necessarily result if the activities and energies of men were allowed to run wild and clash with one another.

Unfortunately, what mankind has at last learned to practice within the nations themselves, has not yet to any considerable extent found its way into the realm of international dealings. What is termed international law to-day is only a little way in advance of what may be called the stage of regulated dueling. The few provisions for pacific settlement of international disputes have not been extensively applied by the nations, and fourteen years’ reign of international law under The Hague Conventions has not only failed to avert the present world calamity, but also failed to effectively regulate the conduct of war in the relations both between the belligerents themselves and between belligerents and neutrals.

Since the outbreak of the present war, however, there has developed, especially in the English-speaking world, a fairly wide recognition of the fact that the only way to safeguard civilization from repeating any such calamity lies in some international arrangement or organization for pacific and judicial settlement of disputes. Such opinion has found exponents not only in many of the publicists who have given thought to the international situation, but also in such official representatives of powerful states as Premier Asquith and President Wilson. The latter, in his speech before

¹Speech before League to Enforce Peace, May 27, 1916.

the League to Enforce Peace, declared his desire for "a universal association of nations to maintain the inviolate security of the highway of the seas for the common and unhindered use of all the nations of the world, and to prevent war, begun either contrary to treaty covenants or without warning and full submission of the causes to the opinion of the world." In short, many there are who have come to realize that the failure to organize the conflicting forces of the nations for some definite common purposes has been the fundamental cause of international strife, insecurity and war; and they have also realized that such stupendous waste of energy, vitality and resources as we witness to-day, cannot be prevented until there is found some method of direction and organization for a less wasteful and therefore more efficient expenditure of the force of the nations.

III

We have so far arrived at the conclusion that in order to make force work effectively in achieving the contemplated ends of peace and security, we must seek to convert the now isolated and conflicting energies of the nations into some organized form—into some form of international association under a prescribed course of reciprocal duties and rights. We may now consider the directions in which the future task of organizing the forces of nations may possibly and profitably proceed. Such a discussion can best be undertaken by reference to the present status and defects of the law of nations.

First, it seems that in the coming international

arrangement, the scope of the category of justiciable disputes should be greatly enlarged. At present, only "disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact,"¹ are justiciable or arbitrable. This naturally excludes from the process of juridical settlement many of the disputes which are most likely to lead the nations into war. Furthermore, each nation is at liberty to declare "that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration."² Thus an insult to a flag may be a question of honor, and a boundary dispute between Great Britain and Venezuela may be a matter of vital interest to the United States.

It seems therefore necessary to the permanent interest of the world to gradually enlarge the category of justiciable disputes so that many of the cases now beyond the reach of international law may be made either arbitrable or at least subject to inquiry and conciliation by an international commission. In this connection, it is encouraging to note that the treaties negotiated by ex-Secretary of State Bryan with the several powers on the subject of an international commission of inquiry, provide that "all disputes between the contracting parties, of every nature whatever, which diplomacy shall fail to adjust, shall be submitted for investigation and report to an International Commission." It is to be hoped that this principle will find wider application in international law than it has hitherto received. Without some such extension

¹ Hague Conventions of 1907, I, art. 9.

² Hague Conventions of 1907, I, art. 53.

of jurisdiction, the law of nations can only "strain at a gnat and swallow a camel."

In the second place, the charge has often been made that international law is itself imperfect and uncertain, and does not cover the needs of the times. One illustration is the fact that international law has not been able to keep pace with the rapid increase of new weapons of warfare such as are being used in the present war. It is also silent on such important subjects as the definition of 'spheres of influence' by certain powers in the 'backward' states, or the definition of the so-called 'war zones' in neutral territory by belligerents, neither of whom the suffering neutral is in a position to resist. It seems therefore evident that, in order that international law may guard itself against archaism and against evasion through its own loopholes, there must be frequent periodical revision and codification of the law, or, better still, some form of international legislature which shall periodically meet and progressively extend the law over fields which it does not now cover.

In the third place, the most serious weakness of international law is that it has no effective means of enforcement. Without enforcement, which Professor Roscoe Pound calls "the life of law," international law is not much more than a mere scrap of paper. Under existing conditions, a nation might refuse to submit a justiciable case to arbitration, or it might decline to accept or carry out an arbitral award which went against its interests. In case of unarbitrable disputes, a nation might refuse to submit to inquiry; it might actively prepare for eventual resort to arms during the prescribed period; or it might refuse a pacific settlement after the Commission has made its

report.¹ Any one of these recalcitrant acts will suffice to render a reign of law impossible.

To remedy this defect of the existing law of nations, it has been proposed that some kind of sanction should be provided in the form of a concerted use of the economic and military forces of the signatory powers against any transgressor of the law. There are certain obvious advantages in such an international organization of force. In the first place, it will avoid unnecessary duplication and waste. It is the indispensable condition of a general reduction of armaments: it will free the nations from the alleged necessity of each so arming itself as to be stronger than every other. Secondly, it will minimize the use of force. Where the object of employing force is clearly defined and understood, where, as some writer has put it, "all the cards are on the table," where a breach of public law carries with it a possibility of public punishment, there we have the beginning of a reliable structure to safeguard civilization from sudden and periodic breakdown. Thirdly, the combining of the forces of the nations for the enforcement of public law and maintenance of peace will perhaps have an educative value in inculcating the sentiments of international solidarity and good-will. At least it will tend to liberate the nations from those artificial barriers and prejudices which now prevail.

IV

But, while readily admitting the advantages of an effective sanction of international law, we must not ignore the indispensable preliminary conditions with-

¹ See Hobson: *Towards International Government*, p. 77.

out which no international organization can ever hope to succeed. One of these conditions is that there must be a sufficiently strong body of interests which demand the enforcement of the law. At present, there are a number of practical interests of an international nature. Of these we may mention commerce, finance, investment, communication, transportation, the freedom of the high seas, immigration and the exchange of labor. All these interests have long transcended national lines and have become what has been termed 'trans-national' in character. National defence, too, has become a 'trans-national' problem. No nation can now rely on its own isolated force for safety and for satisfaction of injured interests, violated honor and outraged justice. Interests of such an international or trans-national nature need only to be made articulate and conscious of their own needs in order to become a firm foundation on which to build an effective international structure.

But such interests alone are not sufficient. Government by law has not been created by private interests alone, but has come about as a result of many centuries of conscious thought and deliberation, of the development of political and legal philosophy. Likewise, international government by law and combined force cannot arise from practical interests and inarticulate needs alone. There must be a radical change of the attitude of nations towards one another: there must be a new political philosophy and a new jurisprudence. First, we must have a new theory of the sovereignty of the state. Instead of the old theory that sovereignty consists in freedom from external juridical responsibility, we shall teach that the sovereignty of a state is a *right* the existence and validity

of which entirely depend upon a tacit or explicit recognition and respect on the part of the other nations. As a right valid only by reciprocal understanding and recognition, the sovereignty of the state is not impaired but strengthened by becoming a member of a society of sovereignties.

We must also, in this revolution in international thinking, gradually modify our nationalism. Instead of 'Right or wrong, my country', we must regard the state as merely one of the many groups to which the individual belongs and which, to use the words of Professor Harold Laski, must "compete for his allegiance just like his church or race or trade union, and when conflict arises the choice of the individual must be made on moral grounds."¹ Instead of exalting the nation-state '*über Alles*', we must realize that the state is only a means to the well-being and free development of the individuals that compose it; and that whatever improvement of world-organization tends to enhance the safety of the state from external threats of aggression and destruction, is entitled to the devotion and support of every patriotic citizen.

Furthermore, there is needed a new conception of the nature, place and function of force in human society. While admitting the necessity and value of force as a means to a desired and desirable end—thus avoiding the one-sided condemnation of force *in toto*—we must realize that, if the forces of the world are not co-ordinated to a definite common purpose but are allowed to rival one another for superiority in magnitude and deadliness, then force cannot be used for productive ends and is of necessity squandered in

¹ See *Journal of Philosophy, etc.*, Feb. 17, 1916.

the endless process of overpowering the rival forces. In order to avoid this resultant waste and sterility and in order to insure a maximum economy and efficiency, it is necessary to organize and direct the rival forces, not towards mutual resistance and therefore mutual cancelment, but towards the co-operative achievement of some positive ends of common interest. Force cannot be rationalized until its use is socialized or internationalized. Not until such a conception of force shall be widely popularized and intelligently applied to international as well as to national life, can there be a really reliable substitute for the present wasteful and destructive employment of force in international relations.

And, lastly, those who desire and work for a better international order will have constantly to fight against that inveterate habit of thinking which may be termed 'historical fatalism'. They are frequently reminded that deliberate planning and conscious effort have little or no place in determining the course and destiny of mankind. "The march of events rules and overrules human action,"—these memorable words of McKinley are frequently quoted in justification of groping and muddling in international affairs. Such determinism in political thinking practical idealism must repudiate and seek to replace. That the march of events rules and overrules human action is a frank declaration of the bankruptcy of statesmanship and human intelligence. It might find some justification in those olden times when one part of the world lived in complete isolation and ignorance of the other parts. But in these days when rapid transportation and almost instantaneous diffusion of intelligence have actually placed the entire earth "under our immediate

notice, acquaintance and influence;" in these days when we actually have at our command the equipment for the effective diagnosis and control of the international situation, it is only intellectual laziness and senility that still seeks to explain away political blunders by the fatalistic *deus ex machina*. Never before has traditional statesmanship—the statesmanship of drifting along with the tide of time and events—wrought so much devastation and suffering to the world. Never before has the possibility of conscious planning and control of international relations appeared so well within the power of human intelligence and resourcefulness. Shall we, then, again permit our statesmen to muddle through and be hurled along by "the march of events"—ever comforting ourselves with the thought: "After us, the millennium?"

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THE LAND WHERE HATRED EXPIRES



BY

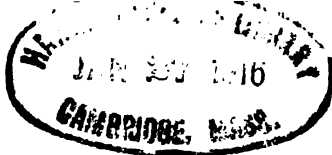
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Association

It is the aim of the Association for International Conciliation to awaken interest and to seek co-operation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

It is the aim of the Association to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found on page 15.

THE LAND WHERE HATRED EXPIRES

THE NEW ARGONAUTS.

Never shall I forget a stormy autumn crossing on the old French liner *La Touraine*, nearly nine years ago. It was my first voyage to America. A magnetic influence drew me to the forward part of the ship, as far as we were allowed to go, and there, lashed by the sharp salt wind, I would spend long hours, alone, peering into the cold and pale horizon, towards that mysterious Western land which was to become my country. Twenty feet below, on the main deck, there swarmed and seethed a crowd of steerage passengers, unkempt, sordid, cheerful withal; they too were straining their eyes, although they knew that nought was to be seen for several days, towards the lure of the setting sun. A full shipload of human freight—reeking, ignorant, worse perhaps, but all illumined by an unconquerable hope: America! America, the land of promise, the land of freedom, the land of opportunity; America! A new heaven and a new earth. Each throb of the mighty engine brought us nearer to that land of our dreams, across the wilderness of heaving and tossing waters, now somber, now strangely pale under the gray sky. The infinite anguish and the secret exhilaration of that lonely crossing will never fade in my memory.

Young people who but yesterday were at school, members of the graduating class, you remind me of us, the new Argonauts, the latter-day pilgrims. You stand to-day as we stood then, peering with eager eyes into the same horizon—the promise of American life. You are, as we were, candidates for citizenship. Your journey has been

smoother than ours, over sunlit seas and with merry companions. But, because they come to you as a matter of course, may you never forget the promise, and the wonder, and the responsibilities, of that call to American citizenship! Perhaps we, who have known other conditions, may help you realize your blessings and your duties. I hope you will not resent the paradoxical form of the statement: but I firmly believe that it is we, the newcomers, the immigrants, who are at heart the true Americans. Others may happen to be born between the Great Lakes and the Rio Grande; we came because we heard the distant call of the American spirit, and because it struck a deep note of response in our own hearts. We who left the old home of our own accord, not without a wrench, to seek a free life, we are the true descendants of the discoverers and pioneers of old, adventurers and missionaries, Spanish conquistadores, French Jesuits or Coureurs des Bois, Pilgrim Fathers or Quakers. We were not born in America; that was a mistake perhaps; but we were born Americans, and we came home as soon as we knew where to find our home. And this is why a man who spent a quarter of a century on the other side is so bold as to address you to-day, and to interpret before you the spirit of America.

THE BLENDING OF TRADITIONS.

A motley crowd were we, cabin passengers and steerage alike, on the good ship *La Touraine*; stolid and stocky folk from Central Europe, swarthy men and women from the Southlands, Jews from Poland and Rumania. And by this time we are Americans, one and all. We have given up our native speech for the wonderful tongue of Shakespeare, W. J. Bryan and George Ade; the picturesque garb of ancient villages has been discarded for the plain and sensible uniform of American civilization; titles and dynastic allegiance have been left, as undesirable, at the

gateway of Ellis Island; and our very habits of thought have undergone a radical change. But do you believe that we have dropped like a burden all the immemorial traditions of our home lands? We have not, and it would be a thousand pities if we had. For the primal glory of the American spirit is that it is a blend of all that Europe has to offer. A blend, not a mosaic. I recognize no sub-nationalities under the Stars and Stripes. I hate the look and the sound of such words as French-American, English-American, German-American. Local prejudices ought not to be imported from over the water. But I have no respect and no sympathy for the man who turns in anger and in derision against the land of his birth. It is only good Frenchmen, good Germans, good Russians, that will make good Americans. The wonderful range of America is due to the very facts that from the most varied corners of Europe, strong men and women have come, each with his or her potentialities. It would be suicidal for America to ignore that fact, which ought to be her pride. We are a composite nation, and our duty, as we become more and more American, is not to forget our own ancestors, not to limit our traditions to the hundred and forty years of independent national life, but to trace all the roots of the mighty American tree to the various transatlantic soils where they first grew. Let us—if you will forgive the familiarity of the expression—first let us pool our ancestors—let us all be heirs to all! The greatest privilege of American citizenship is just that blending of traditions. I feel now as if my two grandfathers had bravely fought against each other at Gettysburg; I know it was partly for me that Washington displayed his quiet heroism and his serene wisdom.

THE ENGLISH AND FRENCH HERITAGE OF AMERICA.

But that is not all. I feel as though the whole glorious past of England were mine, as it is yours—England, dear

old England, that has given us her speech, the unrivaled treasure of her literature, her indomitable spirit of adventure, her passionate desire for freedom and fair-play, her sound practical sense, and her deep-seated belief in our responsibility before a Power not of this world. Your English heritage is now mine; and that of all my fellow passengers on the *Touraine*—a priceless possession. But I want you to remember that all Americans are French to a certain degree. Was it not the ideas of XVIIIth century French philosophy, grafted on the sturdy old English tradition, that flowered in the American revolution? Have you not received from France, and preserved to this day, a hatred for caste and privilege, a love for logic and simplicity, a healthy radicalism of mind, a generous faith in human nature, which bids us look forward and not back? Is not all that traditionally French rather than English or German? Is not your art, I would not say an offshoot, but a younger and flourishing branch of French art, striving towards the same ideal? It is well-known that good Americans, when they die, go to Paris. Some good Americans must have reached Paris alive, for even before this war, Americans were by far the most popular foreigners in the French capital, and the United States is the only country where a Frenchman feels immediately at home.

OUR DEBT TO GERMANY.

And I do not want you to forget that we Americans are all the sons of Germany too, even those of us in whose veins there flows not one drop of Teutonic blood. Our ten million fellow citizens of German extraction have colored the whole American soul. They have brought with them the old German qualities of steady labor, cleanliness, thrift, the love of home and the fear of God. We are all

the beneficiaries of the German Reformation, yea, even the Roman Catholics among us, for without Martin Luther the Church would not have reformed herself at Trent. We are all beholden to the great philosophers, poets, scientists and musicians of the German past, to Goethe and Schiller, to Kant and Hegel, to Beethoven and Wagner. Those names mean infinitely more to us than those of many of our most prominent compatriots. Whatever folly or crime our kinsfolk may be committing at this hour, and under whatever flag, it is our privilege and it is our mission, as Americans, to cherish and preserve, more truly perhaps than they themselves, the treasures of their splendid cultural tradition.

ITALY, SPAIN, RUSSIA, JAPAN.

And I want you to love and respect Italy too. Italy, twice the mistress or leader of the world, at the time of the Roman Empire and at the time of the Renaissance; Italy, laden with such a burden of historical glory that it seems as though any nation would sink under it; and yet she lives and grows, energetic, self-confident, joyous, conscious of her past greatness, but not awed, and thus proving herself worthy of a still greater future; Italy, oldest and youngest of great nations, still as of old the breeding-ground and the Mecca of innumerable artists; Italy, well to the fore in science, and making giant strides in good government. I want you to remember and love the chivalrous and mystic spirit of old Spain, gloomy and ferocious at times, but which wrote for us the grandest epic of discovery and conquest; I want you to seek and love the vast, vague and mighty spirit of Holy Russia, the land of sorrow, whence came such words of peace and love, through the lips of Tolstoy, as the world had not heard for many hundred

years. I want you to know and love the smiling heroism and the artistic witchery of the Japanese. America is heir to all the world. Do not cut off any part of what is rightfully yours. Do not fear lest this Pantheon of many national ideals should turn into a Pandemonium—for the American spirit is large enough to harmonize them all.

THE LAND WHERE HATE EXPIRES.

For this is indeed "the land where hate expires," the land of universal reconciliation. This is the land where all are given a fair chance, and where Englishmen, Frenchmen, Austrians, Russians, Germans can meet on a common ground of democracy, justice and good fellowship; where they have at last a chance of becoming acquainted with one another, and, knowing one another, to appreciate and love. For hatred is but the child of ignorance; all education consists in unlearning hatred. One of my very good friends on the Rice faculty is a fiery young Prussian. If we were both in Europe we would be hurling at each other bombs, shrapnels, hand grenades, asphyxiating gases, and other inventions of the Father of Wars; here, we do not hurl even epithets at each other's heads, but meet socially, and even are able to discuss with tolerable coolness the philosophy of the present conflict. There is something in the American atmosphere which is deadly to hatred. Just as the veterans of Gettysburg can be friends, the veterans of Gravelotte and Mars-la-Tour, remember nought but the heroism, and forget the bitter animosity of their old quarrels. Only perhaps under the Stars and Stripes will men who fought on opposite sides at Liege, Charleroi, the Marne or Tannenberg be able to shake hands as men and brothers. For generations France has been the "Erbfeind," the hereditary foe, of Germany; for nearly half a century she has

nursed a fierce desire for revenge; Germany is singing to-day: "We shall never forego our hate—we have one foe and one alone: England!" And even Christian ministers greet each other with the sinister wish: God punish England!—Oh! What a blessing it is to live in this land which bears malice to none, this land which recognizes no hereditary foes but sin, ignorance and disease, this land where hate expires!

And what is the reason for this wonderful privilege of America? Is there something in our soil, in our climate, in the air we breathe, that is physically uncongenial to the dark flower of hatred, which blooms so rankly in the blood-sodden fields of Europe? Evidently not. The men who are so fiercely fighting in the old countries are our kinsmen; our climate is not milder than theirs, nor is our soil more fruitful; their culture is fully abreast of ours. What then is the key to this strange contrast?

PRINCIPLES VS. TRADITIONS: THE DEAD HAND OF THE PAST IN EUROPE.

The reason for America's sanity as a nation, the unique power which enables her to welcome men from all parts of the world and to turn them into loyal citizens, is that America is a country that looks forward instead of backward—in other terms, a country whose ideals are *principles* instead of *traditions*. Allow a professional student and teacher of history to state the fact quite frankly: Europe is suffering from an overdose of the historical spirit; Europe lacks the healthy radicalism, the youthfulness, I had almost said the boyishness, of the American mind. When you travel in dear old Europe, you are delighted with the quaint villages, the churches and castles hoary with centuries, the bright costumes of the peasant women,

the narrow, crooked lanes of medieval cities, the pomp of court functions and military pageants. History is beautiful for the poet, the artist, and even for the casual traveler. But Europe is choked up with history. The German imagination has been so filled with thoughts of the middle ages that, with them, history amounts to an obsession, to a mental disease. For a long time the French would hark back to ancient Gaul, with the Rhine as its Northeastern boundary. The French and the Germans are still fighting out the consequences of the treaty of Verdun in 843. Traditions, customs, institutions, dynasties, have cast their potent spell over the minds of our European friends. They are haunted with memories of the gorgeous and tragic past; and, in the shadowy world in which they live, they have lost the sense of actual values. Do not believe that I do not feel the poignant charm, the secret and subtle appeal of the undying past. But, for Heaven's sake, do not mix up archeology and poetry with present-day politics; let bygones be bygones, let the dead bury their dead, do not allow fossils to obstruct the path of living men! Historical traditions, at present, are the last frontiers, the only barriers between nations. From the point of view of science, of commerce, of industry, of philosophy, Europe is one, the whole Western world is one, and very soon the whole world, East and West, will be one. Even soldiers of contending nations are more and more alike in uniform, armament and spirit. But whilst all the thousand streams of modern civilization are converging into one mighty river, historical culture reverses the process; it looks backward, towards the head waters of each rivulet; it preserves and emphasizes differences which, if left to themselves, would soon disappear in the broad current of modern thought. The nationalistic, traditionalist education of Europe fosters exclusiveness, diffidence, hatred. Hence the strange

paradox that the best educated of all European nations is also the most bigoted in its pride and selfishness; that the hateful prejudices which have caused the present war have been kept up, not by the common people, but by poets, politicians and University professors. All of us, when we come to America, are welcome to preserve our sentimental and artistic traditions; but we are expected to leave behind all the hereditary jealousies which are the warp and woof of European history. What Europe needs is a similar experience, a great unlearning, a mighty revolution against the dead hand of the past that still oppresses her. The past is past! Let us cherish the fine old stories of our fathers' heroic deeds. But let us settle all present and future differences as men of the twentieth century. If we could but conjure away that incubus of historical traditions, peace would be at hand.

OUR IDEALISTIC PATRIOTISM.

Many Europeans believe that those very traditions—a war-stained history, a nobility, a dynasty—are essential to a nation. They despise the dead level of our democracy, the uninteresting record of our party struggles, barely relieved by two or three wars, one only waged on a large scale. They call us sordid materialists, because our ideal is not to glorify wholesale murder. Materialists, we! It is Germany, England, Russia, even France, that are materialists in their worship of a certain territory, of certain institutions, of certain men. We are idealists, for the unity of our nation is based on nothing material; it is based on principles. The race and the speech of our people might gradually change beyond recognition; our constitution might be altered in such a way as to puzzle those that framed it; yet, so long as we remain true to certain guiding ideas, America would be herself still.

DEMOCRACY AND JUSTICE.

And what is the first and greatest of these ideas? Is it democracy? Is it liberty? No; it is justice. Liberty is but a negative ideal at best; we know that liberty has limits; there is no limit to justice. Where perfect justice reigns, there true liberty will rule also. Not democracy: democracy is a vague term. If by democracy you mean universal suffrage, you will find that democracy is but a means of assuring better justice, of doing away with the hereditary injustices of caste and autocracy, of maintaining fair play in the political field. America is the land where we strive to give every man according to his deserts: the normal man full liberty, the lunatic and the thief an asylum or a jail, the murderer an electric chair. We believe in justice, we love justice, as the one essential element of the American ideal.

Now, it would not do for us to pat ourselves on the back and say: "What fine fellows we are!" There are as fine fellows as any of us on the other side; but they suffer from handicaps and limitations that we have been able to shake off. Superiority is no justification for self-complacency and a pharisaical attitude. Superiority spells responsibility. If it be true that the American spirit stands for justice, then there is a huge task before us, and appalling dangers.

THE AMERICAN IDEAL AND THE RACE QUESTION.

You will have, men and women of the South, to apply your American principles to the race question. There we see the advantage of adopting "justice" rather than "democracy" as our watchword. A crude misinterpretation of democracy placed the South, for a few years, at the mercy

of a totally unprepared electorate; and you have been shuddering at the memory of those dark days for two generations. The time has come when you can afford to be just—to frame such laws that the illiterate, the drunkard, the criminal, be excluded from the privileges of active citizenship; whilst all desirable citizens, whatever may be their sex, race, color or previous condition of servitude, will be welcome to the full exercise of American liberty. I do not know whether these words of mine will not be resented. I am no platform virtuoso, and I have not come here to sing old words to an old tune. Think for yourselves, young men and women: do not allow your grandfathers to do your thinking for you. Your grandfathers were all right—at least I suppose they were. But you have to face the problems of this generation. Do not be hypnotized, like the people in Europe, by the injustices and miseries of a dead past. Be Americans; the future is before you; the future is yours.

AMERICA THE APOSTLE OF INTERNATIONAL JUSTICE.

Not only must we keep America true to the American spirit in home affairs, but we must make her a missionary, an apostle among nations. A historical tradition is exclusive and incommunicable: you cannot expect a German to be loyal to the memory of Richelieu, Carnot and Gambetta; or a Frenchman to worship Frederick the Great and Bismarck. But if we stand for a principle, if we think of the future rather than of the past, of the generations for whose destiny we are partly responsible rather than of the ancestors who have framed our own destinies—then we can bid the whole world to commune with us. European patriotism may be in direct and tragic conflict with the dictates of humanity; the men who sank the

Lusitania were in all likelihood Christians and gentlemen. Sane and good men may be so led astray as to repeat the barbaric words: "My country, right or wrong!" American patriotism is no shadowy replica of French, German or British patriotism; it is of a different kind altogether. It cannot conceivably be opposed to the interests of humanity, for it is based on humanitarian principles. An American cannot consistently say, "My country, right or wrong!" for his first concern, his highest duty is that his country should be right, rather than victorious in battle. Victory! World-wide Empire! The one supremacy that America desires is to be a leader in the cause of international as well as national justice. And the supreme achievement of American patriotism, the American conquest of the world, will be the day when the jealous patriotism of European countries has died, when all nations are united in the bonds of democracy and peace, under the ægis of justice.

Sons of the discoverers, the conquerors, the pilgrims and the pioneers! The task is not done. There are more strange and lonely seas for your ships to plough. Never have such infinite horizons been revealed to the eyes of any generation. Go forth, in the spirit of high adventure; discover for yourselves, and organize for all future generations the new America, the promised land that we, your elders, dreamed of and shall never see, the universal commonwealth founded on justice and love.

LIST OF PUBLICATIONS

Nos. 1-85 (April, 1907, to December, 1914). Including papers by Baron d'Estournelles de Constant, George Trumbull Ladd, Elihu Root, Barrett Wendell, Charles E. Jefferson, Seth Low, William James, Andrew Carnegie, Pope Pius X, Heinrich Lammasch, Norman Angell, Charles W. Eliot, Sir Oliver Lodge, Lord Haldane and others. A list of titles and authors will be sent on application.

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97. Referendum on the Report of the Special Committee on Economic Results of the War and American Business. Reprinted by permission of the Chamber of Commerce of the United States. December, 1915.
98. The Land Where Hatred Expires, by Albert Léon Guérard. January, 1916.

Up to the limit of the editions printed, any one of the above will be sent postpaid upon receipt of a request addressed to the Secretary of the American Association for International Conciliation, Postoffice Sub-station 84, New York, N. Y.

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INTERNATIONAL CONCILIATION

SPECIAL BULLETIN

PEACE LITERATURE OF THE WAR

MATERIAL FOR THE STUDY OF INTERNATIONAL POLITY



BY

JOHN MEZ

JANUARY, 1916

American Association for International Conciliation

Sub-Station 84 (407 West 117th Street)

New York City



The Association

PEACE LITERATURE OF THE WAR

The War has brought forth an amazing amount of literature of all kinds. Only six months after the outbreak of the great European struggle the number of books and pamphlets dealing with some aspect of the war, in English alone, had surpassed 2,000. Since then the amount of publications has increased enormously and to-day there are probably over 5,000 books and pamphlets dealing with the present war.

In the following, I have attempted to select that part of this literature which deals with the most important question resulting from the war, namely, *the problem of preventing a repetition of a similar calamity in the future and of establishing permanent peace*. In compiling this bibliography, my desire is not only to enable those who are interested in the growth of the peace movement to follow the development of *constructive pacifist thought*, stimulated by the World War, but also to show that it is *not true*—as many think—that the peace movement is dead.

The complexity of the problem is shown in a striking manner by the diversity of opinions expressed in the peace literature published since the outbreak of the war. The emphasis as to the causes of the war and the final solution of the peace problem is laid upon entirely different standpoints by the various authors. Among the supposed causes of war we find: economic conflict, capitalism, militarism, imperialism, preparedness, the philosophy of force, a lack of international morality, international disorganization and anarchy, greed, racial differences, a false patriotism, the impractical and unscientific methods of conducting international relations, or even the progress of science itself, the fighting instinct, secret diplomacy, etc., etc., and, accordingly, the various authors propose entirely different means for the abolishment of war, as for

example: free-trade, socialism, education, arbitration, peace leagues, economic boycott, military force, christianity, international police force, neutralization of the seas, extension of democracy, woman suffrage, a referendum by the people, the "dynamic arts of the theatre" or even the building of hospitals in Japan by the United States government. The majority of these authors agree, however, that war and the military system of the world can and must be done away with. The crystallized opinion of these publications coincides with those principles for which the organized peace movement has stood for more than a hundred years: *the substitution in international relations of law for force*, by some form of agreement between nations, a League of nations, by forming a World-Congress, World-Court and World-Government. By rival military force alone peace cannot be maintained. This has been proved over and over again by history, and this is perhaps the one great lesson of the European war. With the British author, H. N. Brailsford, I believe that "by force and threats we shall never constitute a League that will have the loyalty and devotion of Europe behind it. Its success must depend on the advantages it offers."

To educate the world to a better realization of these advantages—moral and material—has been and always will be the task of the peace movement!*

JOHN MEZ.

WASHINGTON, D. C.

* A previous list of books on this subject has been published in February, 1915: *The War and Peace Problem*, Material for the Study of International Polity by JOHN MEZ. Carnegie Endowment for International Peace, 407 West 117th Street, New York City. This list will be sent free on application to the Secretary of the American Association of International Conciliation, Postoffice Substation 84, New York, N. Y.

BOOKS.

Adler, Felix.—THE WORLD CRISIS AND ITS MEANING. New York, D. Appleton & Co., 1915. 233 p. \$1.50

An elaborate analysis of the causes and effects of the War discussing various aspects involved like Imperialism, Nationalism, Social Reform and ethical development. In one sense Dr. Adler believes science has caused the war: "the machine gun is the companion of the machine loom." The author is rather pessimistic in so far as he sees "no hope for permanent peace at present," but believes that "a new conception among the enlightened classes of all nations will sooner or later be carried into effect."

Angell, Norman.—AMERICA AND THE NEW WORLD STATE. A Plea for American Leadership in International Organization. New York, G. P. Putnam's Sons, 1915. 305 p. \$1.50

In this book the author of "The Great Illusion" discusses the leading rôle the United States should play after the war in the reconstruction of the world.

—THE WORLD'S HIGHWAY. Some notes on America's relation to Sea Power and non-military sanctions for the law of nations. New York, George H. Doran Company, 1915. 361 p. \$1.50

Discusses a plan to checkmate future wars of aggression by means of economic pressure brought to bear upon the offender. An aggressive nation according to this plan should be cut off from all trade and financial connections with the rest of the world, and the boycott should be made effective by sea-power. The author believes that the mere existence of a worldwide alliance for the purpose of exercising an economic boycott against an aggressive nation would be the best possible preventive of future wars.

Atkins, Gaius Glenn.—THE MAZE OF THE NATIONS AND THE WAY OUT. New York, Fleming H. Revell Company, 1915. 128 p. 75 cts.

Prize essay of the "Church Peace Union."

Babson, Roger W.—THE FUTURE OF WORLD PEACE. A book of charts and economic facts for Americans. Boston, Babson's Statistical Organization (Incorporated). 1915. 142 p. 75 cts.

A well-written and interesting book, but over-emphasizing the economic causes of war, and their removal as a factor in establishing peace.

Benson, Allan L.—A WAY TO PREVENT WAR. Appeal to Reason, Girard, Kansas, 1915. 180 p. \$1.00

A sincere statement of the case against war from the Socialist viewpoint, proposing a war-referendum by the people in order to prevent war and opposing the "capitalist peace movement," but rather limited in its outlook upon the complexity of the problems involved in pacifism.

Brailsford, Henry Noel.—THE WAR OF STEEL AND GOLD: A Study of the Armed Peace. London, G. Bell and Sons, Ltd., 1914. 317 p.
Cheap edition, with an additional chapter and appendix. London, 1915. 2 s. net (50 cts.)

This book, published a few months before the outbreak of the war, deals very effectively with the madness of the political situation of Europe with its Balance of Power and Armed Peace, from the pacifist viewpoint. "It is not enough to desire peace. The generation which attains peace will have won it by an intellectual passion. . . . Let a people once perceive for what purpose its patriotism is prostituted and its resources misused, and the end is already in sight." The author does not believe in the use of force for the establishment of a Federal League of Nations. He says: "By force and threats we shall never constitute a League that will have the loyalty and devotion of Europe behind it. Its success must depend on the advantages it offers."

Cannon, Walter B.—BODILY CHANGES IN PAIN, HUNGER, FEAR AND RAGE. An account of recent researches into the function of emotional excitement. New York and London, D. Appleton & Co., 1915. xiii and 311 p. \$2.00 net.

Contains a very interesting final chapter on "alternative satisfactions for the fighting emotions."

Crane, Frank.—WAR AND WORLD GOVERNMENT. New York, John Lane Company, 1915. \$1.00

A volume of Peace editorials, advocating an International Peace Court commanding the armies and navies of the world.

Eliot, Charles W.—THE ROAD TOWARD PEACE: A Contribution to the study of the causes of the European War and of the means of preventing War in the Future. pp. XIV, 228. Boston and New York, Houghton Mifflin & Co., 1915. Net, \$1.00

This little volume consists of a number of addresses, letters and reports of the distinguished President Emeritus of Harvard University.

Fayle, C. Ernest.—THE GREAT SETTLEMENT. With a prefatory note by Viscount Esher. With maps. London, W., John Murray, Albemarle Street, 1915. American edition: New York, Duffield & Company, 1915. 309 p. \$1.50

The first and so far the most complete book attempting "to present a survey of the problems of the war and the settlement *as a whole* and to found upon that survey an inquiry into the practical prospects of establishing some such understanding between the European nations as shall preserve us from a repetition of the events of last summer." The value of this very able book consists in the thorough application of pacifist theories to the issues of the present war and forms a good starting point for the discussion of the tremendous problems involved in spite of the author's untimely anticipation of the complete victory of the Allies. It is interesting to note that this author comes to the conclusion that finally peace will only be secured by some form of international force, a similar contention as held by the League to Enforce Peace. The seven chapters of the book have the following titles: I. The necessity of a settlement. II. The origins of the War. III. The principles of the settlement. IV. The territorial problems of the settlement. V. Colonial questions of the settlement. VI. Economic factors of the settlement. VII. The Europe of to-morrow.

Fried, Alfred H.—EUROPÄISCHE WIEDERHERSTELLUNG. Zurich (Switzerland), Orell und Füssli, 1915. 139 p. 50 cts.

This book dealing with the problem of the restoration of Europe after the War is a well-written application of pacifism to the issues of the war by the prominent German peace worker. He argues that in the complicated conditions of modern life, the international anarchy which has characterized the relations of states made war sooner or later inevitable; and that wars can only be avoided by international organization. As a first step he suggests the formation of a European Cooperative Union (Zweckverband), modelled after the Pan-American Union but more active, which would tend to a realization of the actual interdependence of the nations. An English translation by Lewis S. Gannett will appear early in 1916.

Gulick, Sidney L.—THE FIGHT FOR PEACE: An aggressive campaign for American churches. New York, Fleming H. Revell Company, 1915. 192 p. 75 cts.

An appeal to the churches to take part in promoting world-peace. The book contains interesting chapters on the relations between the United States and the far East, Asiatic immigration, admission and naturalization of aliens.

Hansbrough, Henry Clay.—WAR AND WOMAN: An exposition of man's failure as a harmonizer. New York, Duffield & Co., 1915. 121 p. \$1.00

What the title indicates. The author advocates the reliance upon women to prevent wars, the abolishment of the Monroe Doctrine and the contraction of alliances and peace treaties for national safety.

Hirst, Francis W.—THE POLITICAL ECONOMY OF WAR.
E. P. Dutton & Co., New York, 1915. 327 p. \$2.00

In this book the editor of *The Economist*, of London, gives an excellent economic history of the chief wars of the last 200 years, including the present war. It is particularly suitable for the study of the economics of war in general, war-loans, etc.

Hobson, John A.—TOWARDS INTERNATIONAL GOVERNMENT.
216 p. George Allen & Unwin, Ltd., Ruskin House, 40 Museum Street, London, W. C., 1915.
American Edition: The Macmillan Co., New York, 1915.
216 p. \$1.00

One of the best discussions published in book-form on Constructive Peace and problems like: A League of Peace, A Basis of Confederation, International Court and Council, International Force, Economic Boycott, The Social Contract of Nations, etc. "At the present stage it is of paramount importance to try to get the largest number of thoughtful people to form clear, general ideas of better international relations and to desire their attainment" (from the preface).

Jefferson, Charles Edward.—CHRISTIANITY AND INTERNATIONAL PEACE: Six lectures at Grinnell College, Grinnell, Iowa, in February, 1915, on the George A. Gates Memorial Foundation. New York, Thomas Y. Crowell Co., 1915. 287 p. Net, \$1.25

A very vigorous presentment of the peace problem well worth reading. I quote but a few sentences: "The longer one ponders the matter, the more mysterious it becomes that professing Christians have never in the mass taken a bold stand against war." . . . "The principle of union of church and state has worked disastrously in Christian history." . . . "The church in all lands has failed lamentably to do its full duty." . . . "For many years the impotency of organized Christianity in the realm of world politics has been an open scandal."

Jordan, David Starr.—WAR AND THE BREED, The Relation of War to the Downfall of Nations. Boston, The Beacon Press, 1915. 265 p. \$1.35

This book is perhaps the finest and most concise work of the well-known biologist, educator, pacifist and chancellor of Leland Stanford Jr. University. "The certainty that war leads toward racial decadence by the obliteration of the most

virile elements, these being thereby left unrepresented in heredity, is becoming widely accepted as the crucial argument against the War System of the World." The same topic has been treated by the author in two previous books, "The Blood of the Nation" and "The Human Harvest," but the present volume has been entirely rewritten. A special chapter with the title "Does Human Nature Change?" is especially instructive to all those who indulge in the fatalistic belief in the unchangeability of human nature and the consequent futility of the peace movement.

—THE WAYS TO LASTING PEACE. Presidential address delivered at the International Peace Congress, held at San Francisco, October 10-13, 1915. Indianapolis, Bobbs Merrill Company, 1916. 75 cts.

A survey and analysis of the various peace programs proposed for a permanent settlement of the War.

Krehbiel, Edward B.—WAR AND SOCIETY. (Will be published early in 1916.)

A systematic statement in synopsis form of I. the present competitive system of nations with its concomitant merits, weaknesses and fallacies; II. the transformation of civilization in certain particulars which fundamentally alter the function of force; and, III. the various projects and forces seeking to remodel society so as to eliminate the faults of our present system and to bring it into agreement with modern civilization. Each section is accompanied by references to the best literature. The book is designed as an introduction to the study of the whole anti-war movement, and is for the use of college classes, international polity clubs, peace study clubs, Women's Clubs, and for all who wish to familiarize themselves with this subject.

League to Enforce Peace (American Branch). Printed by the League to Enforce Peace, 507 Fifth Avenue, New York City, 1915. 65 p.

This little volume contains the speeches and addresses made at the Independence Hall Conference held at Philadelphia, Bunker Hill day (June 17th, 1915), the Platform and a History of the Conference, written by William H. Short, Secretary. The President of the League is William Howard Taft. The main new phase of this movement is that the members of the proposed League of nations "shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted to a council of conciliation for hearing, consideration and recommendation.

Lippmann, Walter.—THE STAKES OF DIPLOMACY. New York, Henry Holt & Co., 1915. 235 p. Net, \$1.25

This book is an extremely well-written discussion of the relations between nationalism, commercial interests and diplomacy. In his criticism of the pacifist movement the author, however, is not entirely just. The notion that the weak backward state is the "chief cause of international friction because of its temptation to imperialism" is interesting but not in accordance with facts as regarded by scientific pacifism. To call those who proposed concrete improvements in the diplomacy about Africa, etc., "the true peacemakers" and practically to ignore all other causes of war, like the prevailing philosophy of force or the armaments of the great powers with the resulting fear, distrust and rivalry, shows the author's limited outlook upon the complexity of the problems of war and peace in spite of his versatile brilliancy.

Lynch, Frederick.—THE LAST WAR: A Study of Things Present and Things to Come. 118 p. 75 cts.

—THE PEACE PROBLEM: The Task of the Twentieth Century. With an introduction by Andrew Carnegie. 127 p. 75 cts.

Both volumes published by Fleming H. Revell Company, New York, 1915.

These two little books of the Secretary of the Church Peace Union constitute a very valuable contribution to the peace literature, especially from the viewpoint of the Christian Church.

MacKaye, Percy.—A SUBSTITUTE FOR WAR. With an introduction by Irving Fisher and with prefatory letters by Viscount Bryce and Norman Angell. New York, The Macmillan Company, 1915. 55 p. 50 cts.

"In order to make peace more 'handsome' than war and to create a more magnificent symbol for peace than the 'anæmic peace-dove' the author suggests in a strikingly interesting manner that the 'moral equivalent' of war can be made fascinating and effectual by utilizing (and perhaps only by utilizing) the dynamic arts of the theatre to give it symbolic expression."

Marshall, Henry Rutgers.—WAR AND THE IDEAL OF PEACE: A Study of those characteristics of man that result in War, and of the means by which they may be controlled. New York, Duffield & Co., 1915. 234 p. \$1.25 net

The author deals with the "mysteries" leading to war. "If man is to gain in real nobility he must at all hazards learn to curb his fighting tendencies by the full control of all that

makes for war; and that is for us an urgent duty to use our every effort to enforce the acceptance of the very broadest form of the Ideal of Peace."

Mitchell, P. Chalmers.—EVOLUTION AND THE WAR. New York, E. P. Dutton & Co., 1915. 144 p. \$1.00

The "natural law of evolution" is frequently mentioned among the supposed fundamental causes of war. In this book a leading English biologist undertakes to show that this militaristic belief is wrong and that the laws governing human conduct are entirely different.

Nasmyth, George W.—SOCIAL PROGRESS AND THE DARWINIAN THEORY: A Study of Force as a Factor in Human Relations. New York, G. P. Putnam's Sons, 1915. \$1.50

A critical study of the philosophy of force which claims to find a scientific foundation in the application to human society of Darwin's theory of "the struggle for existence" and the "survival of the fittest," etc. This so-called "Social Darwinism," the belief that collective homicide is the cause of human progress, however, is in direct contradiction to the ideas of Darwin himself, who bases his whole theory of social progress upon justice and the moral law.

The author predicts an intellectual revolution as the result of the war, which is demonstrating the economic, social, and moral futility of force to promote the welfare of nations. He points out the immense advance which may be expected through the overthrow of the philosophy of force and the establishment of a true theory of human relationships, in accordance with the social philosophy of Darwin, Kropotkin, and Novicow.

Perris, G. H.—THE WAR TRADERS. National Peace Council, 167 St. Stephen's House, Westminster, London, S. W.; The Chancery Lane Press, Rolls Passage, E. C., 1914. 168 p. Obtainable from the American Peace Society, Colorado Building, Washington, D. C. Postpaid, 30 cts.

A remarkable little volume showing the tremendous influence of armament-firms and war-traders on politics, preparedness and war-scares. In the preface the author says: "War does not pay the nations. But war panics and preparations do, all the time and on an enormous scale, pay powerful groups of men in each nation; and it may be doubted whether any real peace will be achieved till this association of political power and the private trade in arms is broken." This book was published a short time before the outbreak of the war. It is the first full account of the interconnection between war-traders, armament-manufacture and private profit and government and stimulated patriotism.

The armament problem and problems like the nationalization or internationalization of armament- and ammunition-

factories and the question of international war-trade has already during the war proved to be one of the most important questions, and will be so far more in the future, especially in the United States. This excellent study is therefore indispensable for anybody working for peace or even desirous fully to understand what forces have been at work in bringing about the present war.

Plater, Charles.—A PRIMER OF PEACE AND WAR. The principles of international morality. Edited for the Catholic Social Guild, New York. P. J. Kenedy Sons, 44 Barclay St., 1915. 282 p. 80 cts.

An "exposition of the Catholic doctrine on war," "rejecting alike the extremes of militarism and pacifism." The book amounts to little more than a general discussion of "international morality" without pacifistic conviction or vision. The author maintains that "there 'must' occur from time to time instances of unjust and obstinate invasions of genuine rights," and that war "remains the final means of preventing earth from becoming a pandemonium and humanity from lapsing into the brute."

Ritter, William E.—WAR, SCIENCE AND CIVILIZATION. Boston, Sherman French & Co., 1915. 125 p. \$1.00

A condemnation of War as being "unscientific." The author, a biologist at the University of California, suggests "a peaceful reapportionment of territorial possessions on the basis of each nation's actual needs"—overlooking, however, the fact that with the establishment of a real peace nations will probably no more feel any need for territorial expansion than does the State of New York to-day.

Shumaker, E. Ellsworth, Ph.D.—THE WORLD CRISIS AND THE WAY TO PEACE. New York, G. P. Putnam's Sons, 1915. 110 p. 75 cts.

A very ably written volume making plain that with the present war civilization is at stake. "We should not only pray for peace but do something at the same time. Prayer without action does not amount to very much."

Walling, William English.—THE SOCIALISTS AND THE WAR. New York, Henry Holt & Company, 1915. 500 p. \$1.50 net.

"A carefully selected documentary statement of the position toward the war of Socialists of all countries. This book explains to the careful pacifist why it is that Socialism, "the only people's peace-movement," which "supports a war of defense but not a war of aggression" is bound to fail whenever a government chooses to tell its people that a war is "defensive."

Wehberg, Hans.—DAS PAPSTTUM UND DER WELTFRIEDE: Untersuchungen über die weltpolitischen Aufgaben und die völkerrechtliche Stellung des Papsttums. M.-Gladbach (Germany) Volksvereins-Verlag, 1915. 131 p. M1.80 (50 cts.)

A study of the rôle of the Papacy in the cause of world peace.

Woods, Frederick Adams and Baltzly, Alexander.—IS WAR DIMINISHING? A study of the Prevalence of War in Europe from 1450 to the present day. Boston, Mass., Houghton Mifflin Company, 1915. 105 p. \$1.00 net.

A rather interesting and careful study showing by lengthy statistics and graphical charts that the number of wars is diminishing; the arithmetic procedure of simply "counting up the years of war for each half-century," however, cannot be accepted as a scientific treatment of the subject.

WAR OBIATED BY AN INTERNATIONAL POLICE. The Hague, Martinus Nijhoff, 1915. 223 p.

An interesting collection of essays and opinions on pacifism by various European and American authors.

PROBLEMS OF READJUSTMENT AFTER THE WAR. By various authors. New York, D. Appleton & Co., 1915. 186 p. \$1.00 net.

Contents: I.—The War and Democracy, by *Albert B. Hart*; II.—An Economic Interpretation of War, by *Edwin R. A. Seligman*; III.—The Crisis in Social Evolution, by *Franklin H. Giddings*; IV.—The Relation of the Individual to the State, by *Westel W. Willoughby*; V.—The War and International Law, by *George Grafton Wilson*; VI.—The War and International Commerce and Finance, by *Emory R. Johnson*; VII.—The Conduct of Military and Naval Warfare, by *Casper F. Goodrich*.

REPORT OF THE TWENTY-FIRST ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION, May 19, 20 and 21, 1915. Published by the Lake Mohonk Conference on International Arbitration, Mohonk Lake, N. Y., 1915. 196 p.

Can be obtained from The American Peace Society, Colorado Bldg., Washington, D. C., for the price of the postage.

FICTION AND DRAMA

Brownell, Atherton.—THE UNSEEN EMPIRE. A peace play in four acts. Harper and Brothers, New York, 1914. 77 p. \$1.50

Dix, Beulah Marie.—THE MOLOCH. Somerset Publishing Co., Boston, Mass., 1915.

An impressive war-play showing the entire futility of War, its horrors and irrelevance as a determiner.

Newton, W Douglas.—WAR. Preface by Robert Hugh Benson and introduction by Rudyard Kipling. Dodd, Mead & Co., New York, 1915. 236 p. \$1.50

A horrible story of war.

Noyes, Alfred.—RADA: A Drama of War in One Act. Frederick A. Stokes Co., New York, Oct., 1914. 31 p. 60 cts.

Palmer, Frederick. THE LAST SHOT. Charles Scribner's Sons, New York, 1914. 517 p. \$1.50

An excellently written War-story.

Trask, Katrina. IN THE VANGUARD. The Macmillan Company, New York, 1913. 148 p. 75 cts.

An impressive three-act peace play.

Wentworth, Marion Craig. WAR BRIDES. Century Publishing Company, New York, 1915. 75 cts.

One of the most impressive and successful war-plays, acted by Madam Nazimova.

PERIODICALS AND MAGAZINES

1. **THE ADVOCATE OF PEACE.** Official organ of the American Peace Society, Colorado Building, Washington, D. C. Annual subscription, including membership of American Peace Society. \$1.00
 2. **BLÄTTER FÜR ZWISCHENSTAATLICHE ORGANISATION**, published by Dr. Alfred H. Fried, Zürich, Orell Füssli & Co., monthly War-edition of the "*Friedenswarte*," formerly published in Germany. Annual subscription, \$1.00
 3. **THE INDEPENDENT**, Weekly Magazine (Editor Hamilton Holt), 119 W. 40th Street, New York City. Annual subscription, \$3.00
Gives valuable records of the war and has been prominent in promoting the idea of a "Peace League of Nations."
 4. **THE NEW REPUBLIC: A Journal of Opinion.** Published weekly (421 West 21st Street, New York City). Annual subscription, \$4.00
Contains excellent comments on the war and valuable contributions on constructive pacifist thought.
 5. **"WAR AND PEACE."** Published in London, S. W., 29 Charing Cross, by "War and Peace, Ltd." Post free, \$1.00 a year
 6. **INTERNATIONAL POLITY NEWS.** Issued monthly by The Federation of International Polity Clubs, 40 Mount Vernon Street, Boston, Mass.
 7. **THE COSMOPOLITAN STUDENT:** Official Organ of the Corda Fratres Association of Cosmopolitan Clubs. Published monthly during the academic year. 38 Crescent Street, Cambridge, Mass. Annual subscription, \$1.00
- For other Peace-Periodicals and Magazines see: *Internationalism*, a list of current periodicals selected and annotated by *Frederick C. Hicks*. American Association for International Conciliation, Substation 84, New York City.
Free on application.

PAMPHLETS

- I. Pamphlets issued by the *Dutch Committee "The European Federation"* (may be obtained free from Nico van Suchtelen, Secretary, Blaricum, Netherlands).

1. THE ONLY SOLUTION: A EUROPEAN FEDERATION.

2. EUROPE UNITED.

(Both by Nico van Suchtelen.)

3. TO THE CITIZENS OF THE BELLIGERENT STATES.

By Prof. G. Hymans, Ph.D.

- II. Pamphlets published by *The Union of Democratic Control*, 37 Norfolk Street, Strand, London, W. C.:

No. I.—THE MORROW OF THE WAR. Explaining the Policy of the Union.

No. II.—SHALL THIS WAR END GERMAN MILITARISM?
By Norman Angell.

No. III.—WAR—THE OFFSPRING OF FEAR. By Hon. Bertrand Russell.

No. IV.—THE ORIGINS OF THE GREAT WAR. By H. N. Brailsford.

No. V.—PARLIAMENT AND FOREIGN POLICY. By Arthur Ponsonby, M.P.

No. VI.—THE NATIONAL POLICY.

No. VII.—THE INTERNATIONAL INDUSTRY OF WAR.

No. VIII.—WAR AND THE WORKERS. By J. Ramsay MacDonald, M.P.

No. IX.—WHY WE SHOULD STATE TERMS OF SETTLEMENT.

No. X.—TOWARDS AN INTERNATIONAL UNDERSTANDING.
Being the opinions of some allied and neutral writers.

No. XI.—WOMEN AND WAR. By H. M. Swanwick.

No. XII.—THE POLISH QUESTION. By A. Pole.

No. XIII.—THE PRUSSIAN IN OUR MIDST. By Norman Angell.

No. XIV.—THE BALANCE OF POWER.

Price 1d. each post free, 1½d.

III. War and Peace Pamphlets:

1. CAN TRADE BE CAPTURED? By Norman Angell.
2. WHAT ABOUT NORMAN ANGELL NOW? By Gerald Roberts.

May be obtained from The Manager, War and Peace,
Ltd., 29 Charing Cross, London, S.W. 1d. each

IV. Pamphlets published by the German Union New Fatherland (Bund "Neues Vaterland"), Berlin, W. 50 Taubenstr. 9.

A series of 8 pamphlets in German, opposing the spirit of hatred and of conquest and working for a Federation of Nations on the basis of equal rights, freedom and justice.

V. Pamphlets published by the *Church Peace Union*, 70 Fifth Avenue, New York:

1. THE CAUSE OF WAR. By Rev. Chas. E. Jefferson, D.D.
2. THE MIDNIGHT CRY. By Rt. Rev. David H. Greer, D.D.
3. THE SCOURGE OF MILITARISM. By Rev. Peter Ainslie, D.D.
4. EUROPE'S WAR, AMERICA'S WARNING. By Rev. Charles S. Macfarland, Ph.D.
5. THE WAY TO DISARM. By Hamilton Holt, LL.D.
6. THE CHURCH'S MISSION AS TO WAR AND PEACE. By Junius B. Remensnyder, D.D., LL.D.
7. MIGHT OR MEEKNESS. By Rev. William Pierson Merrill, D.D.
8. THE CHURCH AND THE IDEAL. By Rt. Rev. William Lawrence, D.D.
9. AMERICA AND THE ASIATIC WORLD. By Prof. Shailer Mathews.
10. AMERICA, CHRISTIANITY AND PEACE; A NEW YEAR'S MESSAGE; THE TRIUMPHS OF PEACE; THE ADVANTAGES OF ARBITRATION. By James Cardinal Gibbons.

IN PREPARATION:

1. AFTER THE WAR—WHAT? By Rev. Francis E. Clark, D.D.
2. THE UNITED CHURCH AND THE TERMS OF PEACE. By Rev. Frederick Lynch, D.D.
3. ADEQUATE ARMAMENTS. By Prof. William I. Hull.

VI. *Pamphlet Series on THE NEW INTERNATIONALISM.* By *Jay William Hudson.* Published by Massachusetts Peace Society, 31 Beacon Street, Boston, Mass., 1915:

1. WHAT IS THE NEW INTERNATIONALISM?
2. THE ARITHMETIC OF WAR.
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SPECIAL BULLETIN

IS COMMERCE WAR?

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BY

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American Association for International Conciliation

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The Association

IS COMMERCE WAR?

When Cobden and his followers in 1846 achieved the repeal of the corn laws, and thereby insured the triumph of free trade in Great Britain, they looked forward to the early attainment of universal peace. The evident advantages of free trade, they thought, would insure its general adoption, and commerce would soon unite all the peoples in bonds of economic interdependence so firm that war would become impossible. The Manchester men consistently urged the utmost freedom of competition both within and without the state. Their idea of the harmony of interests applied to nations no less than to individuals. Free trade, internal harmony, international peace—such was their dream.

Sharply opposed was the thought of Karl Marx and his followers. To the socialist, competition introduced antagonism at the very center of social organization, the point where wealth was produced. Therefore the internal relations of states were class struggles, and international relations meant simply war between masters. Competition, internecine strife, international war—such was the social doctrine.

Both these views, so entirely opposed to each other, were essentially cosmopolitan, universal in their basis and application. Today most thoughtful persons decline to accept either idea in its entirety. They recognize that each pictures one aspect of our existing order, and they try to resolve this dualism as best they can. One such effort, of profound interest to the world at present, is that neo-mercantilism which asserts, broadly speaking, the beneficence of domestic competition and the maleficence of foreign. The peculiar danger of the cult lies in its anachronistic nationalism, its worship of false gods in the form of rival national entities necessarily antagonistic to one another, its tendency to distract attention

from those problems of internal organization on whose solution so largely depends the possibility of future social peace and consequent international goodwill. The ripe fruits of this fatal doctrine are being harvested today on the bloody plains of Flanders and Poland, in the passes of the Carnic Alps, on the heights sloping down to the Dardanelles.

The neo-mercantilist view harks back to the old concept of nations as economic no less than political or social units. It assumes and seeks consciously to cultivate an identity of economic interests among all the people and classes of a nation as against those outside, contradicting alike the Manchester doctrine of harmony and the socialist doctrine of class struggle. It expresses itself in protective tariffs, exclusive colonial policies, the mad race of military and naval armament—all those means by which one nation seeks to build itself up at the cost of another. It asserts that international competition in all its manifestations is essentially a contest between nations, not individuals, and maintains that one nation can rise only on the ruins of another. It declares this international competition inevitable, basing its argument on history, economics and philosophy alike. Postulating, therefore, the necessity of national survival, it leads directly to the duty of asserting national might—not only military, but economic, political, social, cultural. "The strong shall inherit the earth"—only it is not the strong individual, but the strong nation.

The implications of such a doctrine are clear. It means that under whatever smooth phrases we cover up the facts, all international relations mean war, grim struggle against others for existence. In this view, every act of national development is in essence war. Growth of population, expansion of productive capacity, foreign commerce, improved social organization, with consequent internal strength and cohesiveness—all alike are in reality acts of war on rival nations. The whole organization and activity of state and people must accordingly be directed to greater effectiveness in the inter-

national struggle, for such is the condition of national survival. Is the idea true? We may not like its implications, but we must either disprove the doctrine or accept its consequences. Let us test the notion in its economic aspect, which in this case is fundamental.

At the outset an important admission must be made. Historically, armed strength seems to have been the condition of national survival. In the pre-machine age the world was poor; such wealth as there was existed largely in the form of land and its products; slavery made profitable the conquest of rich territories and the subjugation of their peoples. Population growth was an almost inevitable stimulus to conquest, military aggression was the quick road to wealth, "preparedness" the price of independent national existence. War and commerce were almost inextricably blended. Foreign trade in those days was always backed by force or the threat of force. It was, indeed, plunder where possible, browbeating and overreaching where strength was more equally matched. It easily passed over into actual war where that promised more profit. Commerce in good part was war; for, in a world of poverty, wealth was the condition of population, population of power, power of territory, and territory again of wealth. So much at least must be conceded.

But the machine and steam transportation have wrought a profound change. They have made it possible for growing peoples to live and prosper without plunder; they have made profitable the peaceful exchange of commodities on a world-wide scale. The plunder of one people by another in trade has all but disappeared; and, however unequally the advantages are divided, the mutuality of gain in honest, peaceful commerce has come to be almost universally recognized. Reciprocal trade means access of wealth to both nations. If the United States imports coffee and crude rubber from Brazil, and exports in return mineral oil and steel rails and sewing machines, no one questions that both nations gain in the enhanced comfort and convenience of living of their citizens.

Under the newer economic and political conditions, commerce pays better than conquest, broadly speaking. Commerce as a reciprocal activity has become in essence almost wholly peaceful, nay pacifist, as Cobden foresaw. Opium wars are no longer common. Rarely does a civilized nation now think it worth while to make war on a savage people in order to force open their market. It builds a railroad instead. The peoples that differ in natural resources and industrial development are being bound closer and closer in bonds of mutual interdependence by a commerce peaceful and mutually profitable.

Quite true, replies our neo-mercantilist theorizer; but it means a change only in the form, not in the essence of the endless struggle. For England to sell Brazil cotton cloth in exchange for rubber means mutual gain; but when German cloth begins displacing British in the Brazilian market, then we see the modern form of the ceaseless contest. The competition of manufacturing states for markets and for fields of investment, he maintains, is a struggle for existence. On its success in this competition depends a country's ability to feed and employ its people, to maintain and increase its population, wealth, prestige and power. This struggle, he holds, is war, none the less real because bloodless. Defeat means national inferiority, decline and subjection. Woe to the conquered! Our theorist appeals to our very terminology to show the reality of the strife. What do we mean by foreign selling "campaigns," the "strategy" of trade, the "invasion" of the markets of our rivals and the "capture" of "neutral" ones? Is it all a mere figure of speech, or is there reality behind it? A new and more terrible Malthus stalks across the page, no longer binding down the whole mass of the people in misery, but obliging the stronger peoples forever to trample on and starve out the weaker, as the sole condition of their own survival in an overcrowded world. This, says our neo-mercantilist, is the meaning of the modern struggle for markets. The nation that shrinks from the struggle is recreant to its own citizens, to humanity. Is this view economically sound?

Our inveterate habit of objectifying nations is likely to lead us astray at the very beginning. We say that Great Britain owns American railway securities, or that the United States is competing with Germany and England for the trade of South America. Such talk is economically a pure figure of speech. Nations do not carry on foreign trade; they tax it. International trade, exactly like domestic, is carried on by private individuals at private risk for private gain. Governments have indeed turned a specially ready ear to the cry of their subjects who have got into trouble abroad, especially if "abroad" happened to be a weak power. But that does not make an Englishman's private business in Guatemala, any more than his private business in London, directly an affair of Great Britain.

What actually happens in international competition is this. Certain manufacturers resident in Pittsburgh compete with others resident in Birmingham, England, to sell planing machines, for example, to certain persons resident in Buenos Aires. Economically the nationality or even the location of the persons concerned is comparatively indifferent. The competition is nowise different from that between rival manufacturers in Pittsburgh and Chicago to sell planing machines to lumbermen in Michigan. The economists have indeed obfuscated the matter in their efforts to elucidate it, and the plain citizen has concluded that foreign trade is like a conjurer's hat, out of which almost any marvel can be drawn according to the skill and inclination of the performer. But in plain truth it is no mystery. Foreign competition works like domestic, and its results are not essentially different, if it be met by economic and not political means, and if we are interested in economic results rather than political.

The Pittsburgh manufacturer, let us say, loses to the Birmingham producer in the competition for the Buenos Aires market; he seeks a new market elsewhere. Perhaps ultimately he loses all his markets. His factory is shut down or turned to some other use; he has largely lost his capital. His em-

ployees are out of work and must find new openings; their loss is unquestionable. Local business and real estate values also suffer. Substitute Michigan for Buenos Aires, Chicago for Birmingham, and the description applies word for word to domestic competition.

The next step, however, appears different. In the one case, the next machine shop is built in Chicago; in the other, in Birmingham. It offers an opening to American capital and labor in the one case, to British in the other. But if American labor and capital are available, and the machine shop goes to Birmingham, Chicago gets a new grain elevator, or a furniture factory, or a pork-packing plant. The notion that labor and capital may lie permanently idle in consequence of foreign competition is undoubtedly due in part to the coincident facts of unemployment and low rates for money in dull times, more largely to failure to realize the enormously dynamic character of modern industrial life, the unceasing readjustment requisite to maintain a healthy and progressive economic condition. To-day America has the packing plant and England the machine shop; tomorrow Argentina builds the packing plant, America the machine shop, England a new shipyard or aeroplane factory. It is the law of life, not death, and that man who would in any measure stereotype the industries of his country by permanently shielding them from foreign competition is no friend to his countrymen's prosperity. Foreign competition that perpetually drives the labor and capital of a country into more productive channels—and it never drives them into less productive ones—means more wealth, and not less. Is increase of wealth war?

But, it is urged, such competition may drive capital and labor abroad. Witness the golden tide of investment steadily flowing out from Great Britain, a hundred, a hundred and fifty, even two hundred million pounds in a single year, building railroads in Africa and China, factories in India and Canada, electric power plants in Mexico and New Zealand, everywhere building up industrial rivals to the little island at

the gate of the seas, driving to the colonies and to foreign lands her children, who otherwise must sit idly at home. Remorselessly, inevitably the competition of America and Germany, we are told, drives on; even yet the process is but in its early stages. The unprofitableness of Britain's industries will steadily increase, the exportation of her capital continue, the starving out of her people go forward, and the island kingdom will topple to its fall. For commerce is war, and woe to the conquered! Thus runs the tale, and one word more is added for our edification. Even the dull Briton has at last sensed the impending doom. In an access of fury the lion has sprung at the throat of his enemy across the North Sea. Rather the short, sharp pang of mortal combat than the long agony of slow starvation. It is a pretty picture, and it is the final argument of the neo-mercantilist.

Now compare the facts with the picture. And remember that the facts of the British situation are the most favorable to the neo-mercantilist contention of all that could possibly be adduced. For Great Britain, in consequence of peculiar circumstances, not because of special intelligence or morality, adopted free trade in the middle of the nineteenth century, and has faithfully adhered to it ever since, with the consequence that her producers have steadily felt the full force of foreign competition, not only abroad, but at home. In 1846 Great Britain was already the world's first manufacturing nation. At the world crisis of 1873, one of the real turning points of modern economic history, her position as the workshop of the world was unchallenged. From that day to this she has fought a steadily losing battle, to drop into the familiar terminology. American natural resources, inventiveness, "knack," and organizing ability, German science, thoroughness, organization, and commercial adaptability, have brought on British manufacturers forty years of continually intensifying foreign competition, have meant loss of some markets and limitation of others, have caused practical destruction of some industries and branches of industries, and decline of others.

Moreover, the British producer, "undefended" because his government would not use the "weapon" of "reprisals," has "fought" this losing "fight" in the face of a wall of "hostile" tariffs designed to shut him out from a large number of the richest markets of the world. Today Great Britain occupies a decidedly less important place, relatively speaking, as the world's workshop, than she did forty years ago. Here if anywhere, then, shall we find a people suffering from the consequences of industrial warfare; here we shall find a nation sinking down in slow decay, for she is unquestionably the loser in this commercial "war."

But what are the facts? In the four decades since her record year of 1872, Great Britain has steadily and rapidly progressed in population, wealth, manufactures, commerce and shipping, savings, domestic capital and foreign investment. Only her agriculture has gone backward. That is due not wholly, though largely, to foreign competition; but partly it is owing to internal causes now at last in process of removal. Even so, with the black smoke of Britain's steamers trailing all the seven seas, with half the world's carrying trade in her hands, her people are among the best-fed in the world, her materials come to her with unfailing regularity. Irrefutable statistical evidence of British economic progress can be and has been produced in abundance. What, then, of the jeremiads we have read concerning the decline of Great Britain's exports of quill toothpicks, the destruction of her glass door-knob industry, the failure of her trade in silk embroidered bed-slippers? What of the tariff reformers' oft-repeated cry that this or that branch of her great staple trades is going into galloping consumption? Some of the statements are false; others are true—and absolutely irrelevant. The decline of this or that industry or branch of industry is perfectly compatible with steadily increasing prosperity of the people as a whole, as the experience of Great Britain and other countries has abundantly demonstrated.

Despite all statements to the contrary, Great Britain at the outbreak of the war stood on a pinnacle of prosperity never

previously attained in her history. Of all considerable countries in the world she possessed the densest population. They were living on a plane of comfort which they had never reached before, and which is equaled at present by very few peoples. The distribution of the country's great wealth was execrably bad, and important modifications of that distribution were in their inception. Great schemes of social amelioration were under way. The physical condition of the people was beginning a process of improvement. Education was being more widely extended. An actively democratic political and social life, with all its perils and possibilities, was slowly coming into existence. If these be the consequences of war to the conquered, well may Great Britain pray for more such defeats!

It is not contended, of course, that the situation of Great Britain is ideal; it is not contended that she is better or worse off than this or that other country. It is not even contended that competition is the most desirable scheme of industrial organization; the whole competitive system of business may be wrong, as the socialist maintains, without invalidating the argument. What is contended is this: Great Britain, by general consent relatively worsted in the international competition of the past forty years, has made marvellous economic and social progress during that period, and that progress has been due to activities carried on in face of the utmost stress of foreign competition, to adjustments necessitated and characteristics developed, indeed, in some measure in consequence of such competition. It is contended that the results have been much the same for the "victorious" rivals in this "war" of commerce, Germany and the United States. They, too, have progressed, in some respects more rapidly than Great Britain, in others less so; but neither their victory nor their progress has made them immune to the same maladies from which she has suffered. Their greatness has made her not less, but greater.

What, then, shall we say of international commerce? Is it war? If so, what shall we say of a war whose forty-year issue

is enormously increased wealth to all the nations concerned, larger population, enlarged power of production, greater well-being? The Thirty Years War left all Germany so exhausted that she did not recover for generations. The contrast is striking, to say no more. Is an athletic contest, which brings increased strength and vigor to all the contestants, war? To be sure, only one can win, and the struggle for victory ordinarily dwarfs other considerations. But the issue is not the dominance of the defeated party by the victor; and the substantial result of rational athletics is gain to all concerned. Just so in foreign trade. International commercial competition is not war, but rivalry in service, and intelligently conducted for economic ends it brings gain to all concerned. The idea that commerce is war springs from nothing inherent in the economic relations and interests of modern states; it is flatly in contradiction of those interests.

The idea grows from a political root; its eradication is likely to be difficult in the extreme. Two ideals a nation may set before itself. One is the well-being of its citizens—not merely their material welfare and comfort, but their intelligence, their morality, their happiness, their nobility. Some such ideal the minor nations of northwestern Europe have necessarily adopted. Some such ideal, we may without boasting assert, has recently been emerging gradually into consciousness in the United States and other first-class powers as the democratic movement has painfully made headway. Such an ideal is perfectly compatible with the utmost growth and prosperity of other states. In their progress they make social experiments by which all others may profit. To a state so inspired, foreign commerce is a means of better material living, wider knowledge, broader coöperation, fuller life.

But on the other hand, a nation may worship the god of power. It may state its ambition, vaguely perhaps but none the less really, in terms of comparative national might, not military alone, but economic, political, cultural. This ideal has filled the vision of kings and princes; at times it has snatched

up whole peoples in wild delirium of conquest and imperialism. It is subtle, cunning, cruel. Actually a thing of feeling, it knows how to clothe itself in all the panoply of thought. It deceives even trained thinkers, who gravely and honestly discuss the economic well-being of their own people or even the welfare of humanity, when in reality their deepest-lying motive is national aggrandizement. When this ideal stalks abroad in its nakedness, we denounce it as militarism; but when it wraps itself cunningly in a smooth covering of biological analogies and economic half-truths, we admire it as a wonderful scientific theory. And it is the bitterest foe to the ideal of well-being; for it means inevitably struggle for dominance, and ultimately war.

To a nation filled with such an ideal, commerce, like every other international activity, is war. Commerce means wealth; wealth, power; power, dominance. Or in another sequence, commerce, wealth, taxes, battleships, commerce—and so on in endless spiral, with inevitable conflict as the various spirals widen. To a nation so minded no reply seems possible, save in its own language, for it understands no other. But force effects no cure. Rather it tends to confirm the victim in his delusion. Only the slow process of a wiser education can ultimately bring such a nation to a more social, more cosmopolitan view of its task.

But finally, whence arises an ideal so pernicious in its effects on national thought, so monstrous in its effect on national conduct? Admit its historical justification—why does it not die with the dawning of the new day on which we are entered? No short and simple answer is possible. But this much may be said. It is less the external relations of states than the internal relations of classes within the state that keep alive to-day the ideal of power as opposed to well-being. In the deep-lying, sometimes vaguely perceived interests of economic and social groups, there lie unfailing springs of feeling and thought. Every hungry capitalist with some fresh railroad or mining concession to wring from a weak power in face of rival for-

eign capitalists becomes an honest and effective advocate of a strong navy and a spirited foreign policy. Every selfish holder of economic, political or social privilege threatened by the restless questionings of a rising democracy exalts the idea of national unity, bewails the dangers of class struggle, compares his country with others to the inevitable disadvantage of the others. The country, the institutions of our fathers—shall we not preserve intact the heritage as it was handed down to us, standing as a man against spoilers without and disturbers within? Intrenched privilege stands stubbornly on the concept of national solidarity and power. At the first blast of the trumpet internal strife ceases, existing institutions and practices are safe for the time being. The British government lays on the shelf its program of social reform, Lloyd George becomes Minister of Munitions, Sir Edward Carson enters the cabinet, and Mrs. Pankhurst speaks at recruiting meetings. Thus does the spirit of national solidarity and strength operate in times of external crisis. In times of peace, when the bloodless battles of economic, political and social readjustment are being waged, it works only less dramatically, not less really, subtly defending things as they are, good, bad and indifferent alike. Would a people, then, avoid this fatal illusion of power? Let it set its own house in order, forgetting not the words of the ancient prophet, "What doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with thy God."



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AMERICAN OPINIONS OF THE WORLD WAR



AS SEEN BY A GERMAN



BY

EDUARD BERNSTEIN

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*For J. I. Elliott,
D. C. Dodge.*

It is the aim of the Association for International Conciliation to awaken interest and to seek co-operation in the movement to promote international good will. This movement depends for its ultimate success upon increased international understanding, appreciation, and sympathy. To this end, documents are printed and widely circulated, giving information as to the progress of the movement and as to matters connected therewith, in order that individual citizens, the newspaper press, and organizations of various kinds may have accurate information on these subjects readily available.

It is the aim of the Association to avoid, as far as possible, contentious questions, and in particular questions relating to the domestic policy of any given nation. Attention is to be fixed rather upon those underlying principles of international law, international conduct, and international organization, which must be agreed upon and enforced by all nations if peaceful civilization is to continue and to be advanced. A list of publications will be found on page 30.

INTERNATIONAL COÖPERATION

The Lake Mohonk Conference on International Arbitration assembles this year in the midst of the greatest catastrophe that has befallen the world since the close of the Napoleonic Wars a hundred years ago. This unfortunate situation inculcates the importance of facing candidly the realities of life and the grave problems which they involve. The tendency of the human mind, running in advance of results, to treat as an accomplished fact that which it desires to bring about, may often exert in the affairs of life a useful and helpful influence; but when, following the "illusions of hope," it bids us close our eyes to actual conditions and to rely in comfortable security upon safeguards that either do not exist or are so defective as to be practically non-existent, it may become a peril as well as a hindrance to wise and essential effort.

We do not meet today for the purpose of discussing the rights or the wrongs of the present appalling conflict. It is upon us, and nothing that we can say can allay or retard it. But, apart from the merits of the cause of any particular belligerent, it does teach us the necessity of something in the direction of international coöperation more far-reaching than has heretofore been tried, if the part which war has played in international affairs is to be appreciably diminished. I say international coöperation; for, after all is said and done, there is no device by which peace can be preserved unless nations coöperate in mak-

ing it effective. Sixteen years ago, when the nations agreed to the establishment of the permanent Court at The Hague, it seemed to many that the millennium had come; and they certainly were justified in thinking that a great step forward had been taken. Gradually the whole world was brought into the arrangement; but, with the lapse of time, it became apparent that, although a "world court" had been established, the spirit of coöperation was lacking to make it thoroughly effective. Wars broke out without resort to it and when it was sought to render the resort obligatory, nations were found to be indisposed to bind themselves to submit questions of serious importance, such as were likely to produce a conflict.

In view of the abundant, constant warnings which history furnishes against relying upon any one device for the prevention of war, I propose today to make a general survey of the international situation with a view to ascertain the fundamental conditions with which, in our efforts after peace, we are obliged to deal, and the nature of the measures which we must devise in order to meet them.

The record of man on earth, as we know it, relates to the activities of various tribes, peoples and nations, and, until a comparatively recent time, is concerned chiefly with their wars one with another. During the past two hundred years a marked development had taken place in the conception of nationality. International law, since it came into systematic existence, has assumed as its foundation the principle of the independence and equality of nations. This principle, as expounded by Grotius and his followers, represented a progressive and enlightened sentiment, which was intended to assure even to the feeblest member of the family of nations the preserva-

tion of its rights. As the great Swiss publicist, Vattel, eloquently declared: "Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is no less a sovereign state than the most powerful kingdom." Or, to employ the graphic phrase of our own John Marshall: "Russia and Geneva have equal rights."

But, with the principle of independence and equality, there was associated another principle antagonistic and potentially fatal to it. This was the principle that every independent nation had the right to declare war, for any cause deemed by it to be sufficient; and that, having declared war, it immediately acquired all the rights pertaining to that condition, including the right of conquest, under which the strongest power, even though it were the aggressor, might lawfully proceed to destroy or absorb its adversary.

It was for the purpose, among others, of limiting the exercise of this right and of maintaining the independence of nations, that the European Concert, so often superficially criticized, came into being. This Concert, however, never undertook to place any theoretical limitation upon the rights of war. It represented merely a union of nations, and incidentally of their forces, to the end that the balance of power in the existing system should not be unduly disturbed. At the present day, the world is groping about for something beyond this, for a measure more radical, which will establish a reign of law among nations similar to that which exists within each individual state.

It is evident that the first condition of the establishment of such an international system is the regulation of the conception of nationality. Exaggerated to the point

where it either subordinates human rights to supposed national interests, or regards the interests of humanity as being capable of realization only through a particular national agency, there can be no doubt that this conception directly incites to the transgression of the bounds of law and of justice. This tendency, often aggravated by confused declamatory, transcendentalist teachings evolved from the emotions rather than from the observation of existing facts, has not been confined to any one nation or to any particular age. It has nowhere been more strongly manifested than among the ancient Hebrews, who, regarding themselves as the "chosen people of God," conceived themselves to be merely the instrument of the Almighty in obliterating their enemies. It was in the 137th Psalm, in the phrase "Happy shall he be that taketh and dasheth thy little ones against the stones," that Grotius found an unquestionable proof that the right of war permitted the slaughter of women and infants with impunity. Nor can it be denied that, in a milder form, the doctrine of the "manifest destiny" of certain nations to extend their boundaries, by force if necessary, is tinctured with the same thought.

Nevertheless, when we come to analyze the conception of nationality, as expounded by philosophers, we find that its principal ingredients are largely imaginary. We have often been told, in phraseology supposed to be highly scientific, that the "nation" is an ethnographic unity within a geographic unity, or words to that effect. Except in remote, restricted areas, inhabited by savage tribes, this combination of conditions can scarcely be said fully to exist. It is found least of all in some of the most enlightened and most progressive countries of today, such as Switzerland; and with the constant movements

of population resulting from improved means of transportation, is less and less likely to continue anywhere as a stationary condition. Tried by such a theory, or definition, what should be said of our own United States, with its admixture of races from all quarters of the globe? And as for the element of geographic unity, it suffices to say that the applications of steam and of electricity have rendered it an anachronism.

Assuming, then, that our goal is the establishment among nations of a reign of law, in such sense that each nation is subject to the law, the fundamental object which it is essential to accomplish is to limit the present unrestricted right of the individual nation to declare war and incidentally to acquire the right of conquest. This object would be attained by establishing the principle that a nation before declaring war upon another must submit its grievance to the judgment of its associated nations, and that without such submission it should not be regarded as acquiring the right of conquest.

In this relation it is interesting to refer to one of the transactions of the First International American Conference, which was held in Washington in 1889-1890. On April 18, 1890, the committee on general welfare, acting upon a motion submitted by the Argentine Republic and Brazil, recommended the adoption of resolutions declaring that the principle of conquest should not thereafter be recognized as admissible under American public law; that in the future cessions of territory should be void if made under threats of war or in the presence of an armed force; that a nation from which such cessions should be exacted might always demand that the question of their validity be submitted to arbitration; and that any renunciation of the right to have recourse to arbitration

should be null and void under all circumstances. This report was subsequently taken up in connection with the project of an arbitration adopted by the Conference. By this project all questions were to be submitted to arbitration except that of national independence, and even in this case arbitration was declared to be obligatory upon the adversary power. Combining this project of a treaty with the proposed abolition of the right of conquest, Mr. Blaine presented a plan upon which the Conference unanimously agreed, with the exception of one delegation that abstained from voting. Under this plan it was agreed that the principle of conquest should not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law.

It may be doubted whether the far-reaching significance of the plan thus outlined was at the time fully grasped. The plan was in reality in advance of the times. It was not ratified by the governments concerned, and never became effective. But it clearly presented the fundamental principle upon which nations must unite if they would place their relations upon a thoroughly legal basis.

Far more difficult than the statement of the object to be attained is the formulation and application of measures to carry it into effect. Here again it is of the first importance to grasp in its details the problem with which we are dealing. During the past ten years we have, for instance, often been assured that what the world needs is an arbitration tribunal and an "international police" to enforce its awards. This statement seems to disclose both a misconception of fact and an incomplete grasp of conditions. The misconception of fact is the supposition that the evil from which the world today suffers is

the disregard of arbitral awards. In reality, arbitral awards have been remarkably well observed, in spite of the indulgence now and then lately shown to the vicious notion, by which the domestic administration of justice is so much enfeebled and impaired, that every sentence of a judicial tribunal ought to be subject to some kind of an appeal. The actual problem with which the world is confronted is how to induce nations to accept not the results but the process of arbitration.

The proposal for an "international police" requires a more extended examination. As originally advanced, it seems to have contemplated the maintenance by a certain number of the larger powers of an international force for the purpose of correcting or restraining the misconduct of smaller or weaker states. Even in this restricted form it involves certain assumptions the correctness of which is by no means self-evident; for, while the possession of physical strength is by no means an invariable proof of virtue or of disinterested devotion to the cause of justice, it is also true that some of the finest examples of national rectitude and enlightenment are to be found in the conduct of the smaller states.

When so expanded as to embrace all nations, the underlying idea of an international police appears to be that of a force to compel all states, without regard to their strength or weakness, to observe international law; and, when so extended, the proposal is at once seen to be closely connected with the question of the limitation, or of the development, as the case may be, of national armaments. How large a force, it may be asked, would have to be maintained in order effectually to hold in check any of the great powers of Europe, if their national armaments were continued on the scale of the past twenty-five

years? History tells us that the force of a great united nation is exceedingly difficult to overcome. Without recurring to earlier examples, it suffices to point to the fact that for almost twenty-three years preceding the close of the Napoleonic Wars, France fought and at times seemed to vanquish the vast European combination formed against her, and yet in the end emerged from the contest with her boundaries little diminished. It is manifest that an international force, organized to assure the preservation of peace, would have to be, as against any individual national organization, far stronger, in numbers and in equipment, than anything we are accustomed to think of under the term "police." It would need to be practically overwhelming, unless it were merely to have the effect of the great armaments of Europe today in involving in hostilities a larger number of men and making armed conflict more bloody and more costly. And it is equally manifest that, unless national armaments were greatly reduced, a proportionate contribution to such an international force would require on the part of the United States a development of its military resources far beyond that which has usually been contemplated. I mention this not as an argument but only as a fact.

These considerations are equally important and vital, whether the force which it is proposed to employ is to be in a strict sense international, or whether it is to be composed of the forces of united nations, combined for the attainment of a common end. In the present state of the world, the latter conception would appear to be simpler and more immediately practicable. But, viewed in either aspect, continuous union and coöperation would be the first and essential requisite of the success of the plan.

The fact cannot be too often or too strongly stated that, for the preservation of order, national or international, we cannot rely upon force alone. Force is not an end; it is merely the means to an end. Situations often arise in which the resort to forcible measures tends to provoke conflict rather than to prevent it. Economic pressure may in many instances be far more efficacious than attempts at direct coercion; nor are proofs wanting that forbearance may sometimes be more effective than either, even leading to the eventual acceptance of wise solutions which were in the heat of controversy rejected. We must not forget that, back of all effort, moral or physical, lie the feelings, the sentiments, the aspirations of humanity; and it is only by the organization of forces, moral and physical, in such manner as to assure justice and contentment through coöperation, that widespread outbreaks of violence can be avoided.

In order to attain this end, it would be necessary to provide for the employment of three different kinds of agencies, which may be designated by the titles Arbitration, Conciliation, Legislation. We may briefly consider them in this order.

I. *Arbitration*.—This represents the judicial process. As defined in The Hague Convention for the Pacific Settlement of International Disputes, "international arbitration has for its object the settlement of differences between states by judges of their own choice, on the basis of respect for law." With the object of facilitating the "immediate recourse" to this process, the convention provided for the establishment of a "Permanent Court of Arbitration, accessible at all times" and proceeding in accordance with definite rules. This court was duly organized. It is still in existence. It has dealt with a

number of cases, some of which were important, and its decisions have been carried into effect. Proposals have been made for its improvement or alteration, as well as for the establishment of another or additional tribunal differently constituted. Into the discussion of these proposals it is not my purpose now to enter. Some criticisms of the present court have, as in the case of its decision upon the preferential claim of the blockading powers in Venezuela, disclosed a defective appreciation either of the law and the facts or of the proper functions of a judicial tribunal. But, speaking for myself individually, I would support any measure that tended to render the resort to international arbitration easier, more general, and more efficacious.

2. *Conciliation*.—The fact is generally admitted that for the preservation of peace and order judicial methods will not alone suffice. Even though it be demonstrable that international arbitration may be carried, because it has been carried, far beyond the limits set in some of our general treaties of arbitration, it is nevertheless true that the judicial process is not adequate to all the needs of international life. It often happens that differences can be effectually adjusted only by the removal of their causes, and this may require the exercise of a power and discretion beyond the application of existing rules. The exercise of such a power would properly be vested in a tribunal of conciliation.

Under the supervision of such a body there could be carried on the process of investigation which is properly entrusted to joint commissions, and which may be essential to the success of arbitration as well as of conciliation. With this object in view, provision was made in The Hague Convention for the Pacific Settlement of Inter-

national Disputes for mediation and for international commissions of inquiry. Investigation by means of joint commissions formed a conspicuous part of the unratified treaties concluded by the United States in 1911 with France and Great Britain. It also forms the chief means provided for in the so-called peace pacts concluded during the past two years between the United States and various powers; for, although these agreements have often been criticized as unlimited treaties of arbitration, they do not in fact provide for arbitration at all, but merely require an investigation and report, and expressly reserve to the contracting parties, when the report shall have been received, full liberty of action.

The defect in all measures for investigation and report is one which it is difficult to meet by a prior formal agreement. This is the case of a continuing injury which one nation may seek to inflict upon another, an injury of such a nature that human interests or human feelings are not likely to tolerate its continuous imposition for a continuous space of time. Such a situation might have to be met by a *modus vivendi*, and the attempt to employ such an expedient would again bring us face to face with the fact that, without the spirit of coöperation and the willingness to observe the limitations of law and justice, the use of force cannot be avoided.

3. *Legislation.*—In the formation of an international organization, provision for the definition and improvement of the rules of international intercourse would form an important and essential part. A step in this direction was taken in the Peace Conference at The Hague, but it fell far short of what is necessary to make the legislative process effective. This is particularly the case in respect of the power to enact rules of law. In The Hague Con-

ferences unanimity was necessary to the establishment of a rule binding on all the powers ; and even in the treaties relating to the conduct of war, it was provided that they should not be obligatory unless all the parties to the particular conflict had ratified them. It is probably true, that, if there were allowed to each independent state, as has heretofore been done, a single vote, a mere majority rule would be quite unacceptable. While I am not so much disturbed, as many persons seem to be, by the apprehension that small states would be found systematically to unite against larger states, yet the rule of a mere numerical majority of nations would necessarily meet with strong opposition. The requirement of unanimity must, however, be done away with before an international law-making power can be effectually established, and there should be no difficulty in abolishing it, when the principle, so essential to international organization, is once accepted, that no nation is so high or so powerful as to be above the law.

THE OUTLOOK FOR INTERNATIONAL LAW

OPENING ADDRESS BY ELIHU ROOT AS PRESIDENT OF THE
AMERICAN SOCIETY OF INTERNATIONAL LAW AT THE
NINTH ANNUAL MEETING IN WASHINGTON, DE-
CEMBER 28, 1915.

Gentlemen of the Society:

The incidents of the great war now raging affect so seriously the very foundations of international law that there is for the moment but little satisfaction to the student of that science in discussing specific rules. Whether or not Sir Edward Carson went too far in his recent assertion that the law of nations has been destroyed, it is manifest that the structure has been rudely shaken. The barriers that statesmen and jurists have been constructing laboriously for three centuries to limit and direct the conduct of nations toward each other, in conformity to the standards of modern civilization, have proved too weak to confine the tremendous forces liberated by a conflict which involves almost the whole military power of the world and in which the destinies of nearly every civilized state outside the American continents are directly at stake.

The war began by a denial on the part of a very great power that treaties are obligatory when it is no longer for the interest of either of the parties to observe them.

The denial was followed by action supported by approximately one-half the military power of Europe and is apparently approved by a great number of learned students and teachers of international law, citizens of the countries supporting the view. This position is not an application of the doctrine *sic stantibus rebus* which justifies the termination of a treaty under circumstances not contemplated when the treaty was made so that it is no longer justly applicable to existing conditions. It is that under the very circumstances contemplated by the treaty and under the conditions for which the treaty was intended to provide the treaty is not obligatory as against the interest of the contracting party.

This situation naturally raises the question whether executory treaties will continue to be made if they are not to be binding, and requires consideration of a system of law under which no conventional obligations are recognized. The particular treaty which was thus set aside was declaratory of the general rule of international law respecting the inviolability of neutral territory; and the action which ignored the treaty also avowedly violated the rule of law; and the defense is that for such a violation of the law the present interest of a sovereign state is justification. It is plain that the application of such a principle to a matter of major importance at the beginning of a long conflict must inevitably be followed by the setting aside of other rules as they are found to interfere with interest or convenience; and that has been the case during the present war. Many of the rules of law which the world has regarded as most firmly established have been completely and continuously disregarded, in the conduct of war, in dealing with the property and lives of civilian non-combatants on land and

sea and in the treatment of neutrals. Alleged violations by one belligerent have been asserted to justify other violations by other belligerents. The art of war has been developed through the invention of new instruments of destruction and it is asserted that the changes of conditions thus produced make the old rules obsolete. It is not my purpose at this time to discuss the right or wrong of these declarations and actions. Such a discussion would be quite inadmissible on the part of the presiding officer of this meeting. I am stating things which, whether right or wrong, have unquestionably happened, as bearing upon the branch of jurisprudence to which this Society is devoted. It seems that if the violation of law justifies other violations, then the law is destroyed and there is no law; that if the discovery of new ways of doing a thing prohibited justifies the doing of it, then there is no law to prohibit. The basis of such assertions really is the view that if a substantial belligerent interest for the injury of the enemy come in conflict with a rule of law, the rule must stand aside and the interest must prevail. If that be so it is not difficult to reach the conclusion that for the present at all events in all matters which affect the existing struggle, international law is greatly impaired. Nor can we find much encouragement to believe in the binding force of any rules upon nations which observe other rules only so far as their interest at the time prompts them. Conditions are always changing and a system of rules which ceases to bind whenever conditions change should hardly be considered a system of law. It does not follow that nations can no longer discuss questions of right in their diplomatic intercourse, but upon such a basis it seems quite useless to appeal to the authority of rules already agreed upon as

just and right and their compelling effect because they have been already agreed upon.

When we recall Mansfield's familiar description of international law as "founded upon justice, equity, convenience, the reason of the thing, and confirmed by long usage," we may well ask ourselves whether that general acceptance which is necessary to the establishment of a rule of international law may be withdrawn by one or several nations and the rule be destroyed by that withdrawal so that the usage ceases and the whole subject to which it relates goes back to its original status as matter for new discussion as to what is just, equitable, convenient and reasonable.

When this war is ended, as it must be some time, and the foreign offices and judicial tribunals and publicists of the world resume the peaceable discussion of international rights and duties, they will certainly have to consider not merely what there is left of certain specific rules, but also the fundamental basis of obligation upon which all rules depend. The civilized world will have to determine whether what we call international law is to be continued as a mere code of etiquette or is to be a real body of laws imposing obligations much more definite and inevitable than they have been heretofore. It must be one thing or the other. Although foreign offices can still discuss what is fair and just and what is expedient and wise, they can not appeal to law for the decision of disputed questions unless the appeal rests upon an obligation to obey the law. What course will the nations follow?

Vague and uncertain as the future must be, there is some reason to think that after the terrible experience through which civilization is passing there will be a ten-

dency to strengthen rather than abandon the law of nations. Whatever the result may be, the world will have received a dreadful lesson of the evils of war. The sacrifice of millions of lives, millions homeless and in poverty, industry and commerce destroyed, overwhelming national debts,—all will naturally produce a strong desire to do something that will prevent the same thing happening again.

While the war has exhibited the inadequacy of international law, so far as it has yet developed, to curb those governmental policies which aim to extend power at all costs, it has shown even more clearly that little reliance can be placed upon unrestrained human nature, subject to specific temptation, to commit forcible aggression in the pursuit of power and wealth. It has shown that where questions of conduct are to be determined under no constraint except the circumstances of the particular case the acquired habits of civilization are weak as against the powerful, innate tendencies which survive from the countless centuries of man's struggle for existence against brutes and savage foes. The only means yet discovered by man to limit those tendencies consist in the establishment of law, the setting up of principles of action and definite rules of conduct which can not be violated by the individual without injury to himself. That is the method by which the wrongs naturally flowing from individual impulse within the state have been confined to narrow limits. That analogy, difficult as it is to maintain in view of the differences between the individual who is subject to sovereignty and the nation which is itself sovereign, indicates the only method to which human experience points to avoid repeating the present experience of these years of war consistently

with the independence of nations and the liberty of individuals. The Pax Romana was effective only because the world was subject to Rome. The Christian Church has been urging peace and good-will among men for nineteen centuries, and still there is this war. Concerts of Europe and alliances and ententes and skilful balances of power all lead ultimately to war. Conciliation, good-will, love of peace, human sympathy, are ineffective without institutions through which they can act. Only the possibility of establishing real restraint by law seems to remain to give effect to the undoubted will of the vast majority of mankind.

In the effort to arrange the affairs of the world so that they will not lead to another great catastrophe men will therefore turn naturally towards the re-establishment and strengthening of the law of nations. How can that be done? How can the restraints of law be made more effective upon nations?

It is not difficult to suggest some things which will tend in that direction.

- Laws to be obeyed must have sanctions behind them; that is to say, violations of them must be followed by punishment. That punishment must be caused by power superior to the law breaker; it can not consist merely in the possibility of being defeated in a conflict with an enemy; otherwise there would be no law as between the strong and the weak. Many states have grown so great that there is no power capable of imposing punishment upon them except the power of collective civilization outside of the offending state. Any exercise of that power must be based upon public opinion. It can not rest merely upon written agreements or upon the accidental dictates of particular interests. It must proceed from

general, concurrent judgment and condemnation. When that exists punishment may be inflicted either by the direct action of governments, forcible or otherwise, or by the terrible consequences which come upon a nation that finds itself without respect or honor in the world and deprived of the confidence and good-will necessary to the maintenance of intercourse. Without such an opinion behind it no punishment of any kind can be imposed for the violation of international law.

For the formation of such a general opinion, however, questions of national conduct must be reduced to simple and definite form. Occasionally there is an act the character of which is so clear that mankind forms a judgment upon it readily and promptly, but in most cases it is easy for the wrongdoer to becloud the issue by assertion and argument and to raise a complicated and obscure controversy which confuses the judgment of the world. There is but one way to make general judgment possible in such cases. That is by bringing them to the decision of a competent court which will strip away the irrelevant, reject the false, and declare what the law requires or prohibits in the particular case. Such a court of international justice with a general obligation to submit all justiciable questions to its jurisdiction and to abide by its judgment is a primary requisite to any real restraint of law.

When we come to consider the working of an international court, however, we are forced to realize that the law itself is in many respects imperfect and uncertain. There is no legislature to make laws for nations. There is no body of judicial decisions having the effect of precedent to declare what international laws are. The process of making international law by usage and general acceptance has been necessarily so slow that it has not kept

pace with the multiplying questions arising in the increasing intercourse of nations. In many fields of most fruitful controversy different nations hold tenaciously to different rules, as, for recent example, upon the right of expatriation, upon the doctrine of continuous voyages, upon the right to transfer merchant vessels after the outbreak of a war. Yet any attempt to maintain a court of international justice must fail unless there are laws for the court to administer. Without them the so-called court would be merely a group of men seeking to impose their personal opinions upon the states coming before them. The lack of an adequate system of law to be applied has been the chief obstacle to the development of a system of judicial settlement of international disputes. This is well illustrated by the history of the Second Hague Conference treaty for an international prize court. The Conference agreed to establish such a court and provided in article 7 of the treaty that in the absence of special treaty provisions governing the case presented "the Court shall apply the rules of international law. If no generally recognized rule exists the Court shall give judgment in accordance with the general principles of justice and equity." When the question of ratifying this treaty was presented to the powers whose delegates had signed it some of them awoke to the fact that upon many subjects most certain to call for the action of a court there was no general agreement as to what the rules of international law were, and that different nations had different ideas as to what justice and equity would require and that each judge would naturally follow the views of his own country. Accordingly the Conference of London was called, and met in December, 1908. In that Conference the delegates of the principal maritime

powers came to agreement upon a series of questions and they embodied their agreement in the 71 articles of the Declaration of London. If that Declaration had been ratified by all the Powers in the Conference it would doubtless have been accepted as a statement of the international law upon the subjects covered. But it was not ratified, and so the Prize Court treaty remains ineffective because the necessary basis for the action of the Court is wanting. It is plain that in order to have real courts by which the legal rights of nations can be determined and the conduct of nations can be subjected to definite tests there must be a settlement by agreement of old disputes as to what the law ought to be and provision for extending the law over fields which it does not now cover. One thing especially should be done in this direction. Law can not control national policy, and it is through the working of long continued and persistent national policies that the present war has come. Against such policies all attempts at conciliation and good understanding and good-will among the nations of Europe have been powerless. But law, if enforced, can control the external steps by which a nation seeks to follow a policy and rules may be so framed that a policy of aggression can not be worked out except through open violations of law which will meet the protest and condemnation of the world at large, backed by whatever means shall have been devised for law enforcement.

There is another weakness of international law as a binding force which it appears to me can be avoided only by a radical change in the attitude of nations towards violations of the law.

We are all familiar with the distinction in the municipal law of all civilized countries between private and public

rights and the remedies for the protection or enforcement of them. Ordinary injuries and breaches of contract are redressed only at the instance of the injured person, and other persons are not deemed entitled to interfere. It is no concern of theirs. On the other hand, certain flagrant wrongs the prevalence of which would threaten the order and security of the community are deemed to be everybody's business. If, for example, a man be robbed or assaulted the injury is deemed not to be done to him alone but to every member of the state by the breaking of the law against robbery or against violence. Every citizen is deemed to be injured by the breach of the law because the law is his protection and if the law be violated with impunity his protection will disappear. Accordingly, the government, which represents all its citizens, undertakes to punish such action even though the particular person against whom the injury was done may be content to go without redress. Up to this time breaches of international law have been treated as we treat wrongs under civil procedure, as if they concerned nobody except the particular nation upon which the injury was inflicted and the nation inflicting it. There has been no general recognition of the right of other nations to object. There has been much international discussion of what the rules of law ought to be and the importance of observing them in the abstract, and there have been frequent interferences by third parties as a matter of policy upon the ground that specific, consequential injury to them might result from the breach, but, in general, states not directly affected by the particular injury complained of have not been deemed to have any right to be heard about it. It is only as disinterested mediators in the quarrels of others

or as rendering good offices to others that they have been accustomed to speak if at all. Until the First Hague Conference that form of interference was upon sufferance. In the Convention for the Pacific Settlement of International Disputes, concluded at that Conference, it was agreed that in case of serious trouble or conflict before an appeal to arms the signatory powers should have recourse to the good offices or mediation of foreign powers, and article 3 also provided: "Independent of this recourse the signatory powers recommend that one or more powers strangers to the dispute should on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance. Powers strangers to the dispute have a right to offer good offices or mediation even during the course of hostilities. The exercise of this right can never be regarded by one or other of the parties in conflict as an unfriendly act." These provisions are a considerable step towards a change in the theory of the relation of third powers to an international controversy. They recognize such an independent interest in the prevention of conflict as to be the basis of a right of initiative of other powers in an effort to bring about a settlement. It still remains under these provisions, however, that the other powers assert no substantive right of their own. They are simply authorized to propose an interference in the quarrels of others to which they are deemed to be strangers. The enforcement of the rules of international law is thus left to the private initiative of the country appealing to those rules for protection and the rest of the world has in theory and in practice no concern with the enforcement or non-enforcement of the rules.

If the law of nations is to be binding, if the decisions

of tribunals charged with the application of that law to international controversies are to be respected, there must be a change in theory, and violations of the law of such a character as to threaten the peace and order of the community of nations must be deemed to be a violation of the right of every civilized nation to have the law maintained and a legal injury to every nation. When a controversy arises between two nations other nations are indeed strangers to the dispute as to what the law requires in that controversy, but they can not really be strangers to a dispute as to whether the law which is applicable to the circumstances shall be observed or violated. Next to the preservation of national character the most valuable possession of all peaceable nations great and small is the protection of those laws which constrain other nations to conduct based upon principles of justice and humanity. Without that protection there is no safety for the small state except in the shifting currents of policy among its great neighbors, and none for a great state, however peaceable and just may be its disposition, except in readiness for war. International laws violated with impunity must soon cease to exist and every state has a direct interest in preventing those violations which if permitted to continue would destroy the law. Wherever in the world the laws which should protect the independence of nations, the inviolability of their territory, the lives and property of their citizens, are violated, all other nations have a right to protest against the breaking down of the law. Such a protest would not be an interference in the quarrels of others. It would be an assertion of the protesting nation's own right against the injury done to it by the destruction of the law upon which it relies for its peace and security. What would

follow such a protest must in each case depend upon the protesting nation's own judgment as to policy, upon the feeling of its people and the wisdom of its governing body. Whatever it does, if it does anything, will be done not as a stranger to a dispute or as an intermediary in the affairs of others, but in its own right for the protection of its own interest. Upon no other theory than this can the decisions of any court for the application of the law of nations be respected, or any league or concert or agreement among nations for the enforcement of peace by arms or otherwise be established, or any general opinion of mankind for the maintenance of law be effective.

Can any of these things be done? Can the law be strengthened and made effective? Imperfect and conflicting as is the information upon which conjecture must be based, I think there is ground for hope that from the horrors of violated law a stronger law may come. It was during the appalling crimes of the Thirty Years War that Grotius wrote his *De Jure Belli ac Pacis* and the science of international law first took form and authority. The moral standards of the Thirty Years War have returned again to Europe with the same dreadful and intolerable consequences. We may hope that there will be again a great new departure to escape destruction by subjecting the nations to the rule of law. The development and extension of international law has been obstructed by a multitude of jealousies and supposed interests of nations each refusing to consent to any rule unless it be made most favorable to itself in all possible future contingencies. The desire to have a law has not been strong enough to overcome the determination of each nation to have the law suited to its own special circumstances; but when this war is over the desire to

have some law in order to prevent so far as possible a recurrence of the same dreadful experience may sweep away all these reluctances and schemes for advantage and lead to agreement where agreement has never yet been possible. It often happens that small differences and petty controversies are swept away by a great disaster, deep feeling, and a sense of common danger. If this be so we can have an adequate law and a real court which will apply its principles to serious as well as petty controversies, and a real public opinion of the world responding to the duty of preserving the law inviolate. If there be such an opinion it will be enforced. I shall not now inquire into the specific means of enforcement, but the means can be found. It is only when opinion is uncertain and divided or when it is sluggish and indifferent and acts too late that it fails of effect. During all the desperate struggles and emergencies of the great war the conflicting nations from the beginning have been competing for the favorable judgment of the rest of the world with a solicitude which shows what a mighty power even now that opinion is.

Nor can we doubt that this will be a different world when peace comes. Universal mourning for the untimely dead, suffering and sacrifice, the triumph of patriotism over selfishness, the long dominance of deep and serious feeling, the purifying influences of self-devotion, will surely have changed the hearts of the nations, and much that is wise and noble and for the good of humanity may be possible that never was possible before.

Some of us believe that the hope of the world's progress lies in the spread and perfection of democratic self-government. It may be that out of the rack and welter of the great conflict may arise a general consciousness

that it is the people who are to be considered, their rights and liberties to govern and be governed for themselves rather than rulers' ambitions and policies of aggrandisement. If that be so our hopes will be realized, for autocracy can protect itself by arbitrary power, but the people can protect themselves only by the rule of law.

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